THE CONCEPT OF AN ISLAMIC STATE IN PAKISTAN

An Analysis of Ideological Controversies

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For my mother Sitara,
My wife Meliha
and my son Sahir

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Scientific investigation can be very exacting. One has to accept that the journey, beginning with the choice of a topic and ending with a book, is to be completed largely through a withdrawal from the cosier things in life. Such a tryst, voluntarily made with solitude, is not easy to bear. A researcher is lucky if he has access to sympathetic and concerned help from the more learned members of his profession, enjoys the solidarity of his peers, the love of his friends and dear ones, and possesses some amount of personal eccentricity and perseverance. All these factors contribute to the final outcome.

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Sollentuna Commune, Greater Stockholm,

Ishtiaq Ahmed

Glossary

Ahmadiyya the sect which believes that Mirza Ghulam Ahmad (1835–1908) was a prophet. The Ahmadis claim to be Muslims but are regarded heretics by orthodox Sunnis and Shias.
Allah God.
alim (singular of **ulama**) learned man, a scholar.
Asharite followers of orthodoxy during Abbasid period (750–1258).
caliph/khalifa temporal successor of the Prophet MUHAMMAD. Also used for Man as Deputy of God.
caliphate/khilafat the institution of political and spiritual authority founded by the companions of the Prophet. The first four successors are recognized and venerated by the mainstream SUNNI Muslims. The CALIPHATE under the pious successors is referred to as the pious caliphate/orthodox caliphate/rightly-guided caliphate/Khulufa Rashidin/Medinese state/pious republic/orthodox republic, etc. The pious caliphs are:

Abu Bakr (632–34)
Umar/Omar/Ömer (634–44)
Uthman/Usman/Osman (644–56)
Ali (656–61)

According to the Shias, the first three were usurpers and Ali was the only legitimate CALIPH. After the death of Ali, hereditary CALIPHATE was established and this institution persisted for several centuries in different forms until the Turks abolished it in 1924.
dar-ul-harb enemy territory; lands outside the jurisdiction of ISLAM.
dar-ul-Islam the realm of ISLAM.
dhimmi/zimmi non-Muslim with protected status in an Islamic state.
din/deen the Islamic way of life/outlook/code of behaviour with detailed instructions, etc. There is no one, single interpretation of this generic idea.
fatwa ruling of the **ulama** on a point of law or doctrine.
fiqh orthodox elaboration of the **Sharia**, i.e. the divine law of **Islam**. Four schools of orthodox theology, law and rites are established among the **Sunni** Muslims. These are known after their founders, Abu Hanifa (d. 767), Malik (d. 795), Shafi (d. 819) and Ahmad bin Hanbal (d. 855). In Pakistan and India the overwhelming majority of the Sunnis are Hanafis, i.e. followers of Abu Hanifa. The Shias have a separate school of FIQH associated with the 6th **Imam**, Jafar Sadiq.
fuquha (singular **faqih**) experts in divine law.
hadith/hadis The Traditions of **Muhammad** comprising his sayings, practices and rulings.
hegira/higra migration of **Muhammad** from Mecca to Medina in 622 A.D.; the Islamic Era begins from this event.
hudud/hadd/hudood punishments prescribed for certain crimes in the **Quran** and **Sunna**.

ijma consensus of opinion.on a point of law, doctrine or belief among the Sunnis, but in traditional ISLAM it refers to the consensus of the learned scholars, who are assumed to represent ISLAM and all Muslims.
ijtihad the use of independent judgement in interpreting the QURAN and SUNNA; independent law-making. In modern times, the idea of fresh IJTIHAD has been emphasized by MUSLIM reformers.
Imam used in many senses; the designation of the priest in a mosque; in **Sunni** tradition interchangeably with **caliph**; the four **Sunni** jurisconsults who founded schools of orthodox law and theology are referred to as the Imams; in **Shia** belief the **Imam** is a divinely-appointed leader of the community belonging to the direct line of Ali.
iman belief.
Islam the religion founded by the Prophet **Muhammad**. Means literally submission to the Will of God.
istihsan juristic preference motivated on grounds of expediency, an established principle in Hanafi **fiqh**.
Jamaat-i-Islami the Islamic party founded by Abul Ala Maududi (1903–79). **Jamaat** in Urdu is roughly the same as a party or organization.
jihad struggle in the way of ALLAH. It can assume the form of holy war.
jizya/jizyah protection tax levied by an Islamic state on non-Muslims.
kafir unbeliever; infidel.
kharaj tax imposed on the agricultural lands of non-Muslims.
Khwarij the sect in **Islam** which believes that only the best Muslims should lead the community. It opposed all caliphs after Abu Bakr and Umar, since they were deemed to have deviated from pure **Islam**. The Khwarijis remained a small sect of puritanical extremists.
khums the fifth share taken by the State from the booty captured in holy war. Four-fifths was kept by the individual warriors.
madhab/mazhab religion; refers to Islamic worship forms, rites and rituals elaborated in **fiqh. Muslim** scholars tend to define other religions, such as Christianity as **Madhab**, while **Islam** is projected as a **din**.
Medinese State the state of Medina under the Prophet and the pious caliphs.
momin believer; one who believes sincerely.
Muhammad/Mohammad the Prophet of ISLAM (born Mecca 570, died Medina 632).
mujtahida person qualified to undertake **ijtihad**.
mullah/mulla traditional designation or title of the various categories of **Muslim** priests, including the leading **ulama** and the ordinary prayer leader in a mosque.
muqallid one who adheres to **taqlid**, i.e. established religious authority.
murtad (apostate) one who renounces **Islam**.
Muslim/Moslem one who believes in **Islam**.
mutazila/motazila a school of liberal Muslims during the Abbasid period (750–1258).
Pir religious mystagogue; spiritual guide.
qadi/qazi/kazi Muslim judge.
qiyas law derived through analogy from a similar but not identical point in the **Quran** and **Sunna**.
quraish/koresh Muhammad's tribe. In early **Sunni** political theory **quraish** descent was considered necessary for the **caliph**.
Quran/Koran the book form of the Word of God as revealed to **Muhammad**.
ramadan/ramazan/ramzan the month of fasting.

Sabian/Sabean a religious group of obscure origin which the **Quran** recognizes along with Muslims, Christians and Jews as believers in the true God.
Sharia/Shariah/Shariat the revealed law; means literally the straight path.
Shia/Shiah/Shii the sect of **Islam** which regards **Muhammad's** cousin and son-in-law, Ali, as his rightful successor. The Shias are divided into several sub-sects. The majority are known as the Ithna Ashari, or the Twelvers, who believe that the 12th **Imam** has gone into hiding and would one day return to lead his followers. The Shias comprise between 5 and 10 per cent of the total **Muslim** population of the world.
sufi **Muslim** mystic; the mystical orders found in many parts of the **Muslim** world tend to be less demanding about outward adherence to orthodox practice and emphasize inner purity.
Sultan (also Amir) designation or title of a **Muslim** ruler.
Sunna/Sunnah/Sunnat the correct path as shown in the examples, sayings and deeds of Muhammad.
Sunni the majority sect claiming to follow the authentic traditions of the Prophet. Various sub-sects and denominations exit among the Sunnis.
taqlid following without alteration the rulings of past religious authority.
ulama/ulema/uluma **Muslim** doctrinal-minded scholars having some public recognition.
umma the **Muslim** community.
ushr revenue tax imposed on **Muslim** agricultural land.
wahabi followers of Muhammad bin Abdul Wahab, the 18th century Arabian reformer. The Wahabis tend to be puritans who seek to imitate and restore the pure **Islam** of the early period, rejecting the medieval tradition in large measure.
zakat tax on property directly mentioned in the **Quran**.

PART I

1 Introduction

Purpose of the inquiry

This inquiry seeks to analyse the discussion on the idea of making Pakistan an Islamic state. A great volume of literature produced by Pakistanis endeavours to elucidate the concept of an Islamic state and its universal validity in time and space. But despite agreement on the assumption that such a concept exists, the debate reflects quite varied interpretations and some fundamental theoretical differences. At the same time, some people argue in favour of a purely secular basis of the polity. The controversy stems largely from the peculiar genesis of Pakistan—it was created on the basis of a claim of the Muslim League that the Muslims of British India comprised a separate nation. The Muslim nation, it was asserted, had different aspirations and interests from the Hindu majority. This communal definition of nationhood was augmented with arguments emphasizing what was described as the distinct 'Islamic way of life'. For a proper and fuller realization of this way of life, it was maintained, an independent state of the Muslims was imperative.[1]

Since independence in 1947, great intellectual effort has been expended on a theoretical exposition of the Islamic way of life. The dominant view has been that the auspices of the state have to be invoked to disseminate and transfuse effectively this way of life among the various levels of society. Central to the discussion have been questions about the role and purpose of an Islamic state. The several theories have been formulated in the context of the secular democratic alternative which Pakistan inherited as a legacy from the British period. A number of democratic rights had been conceded by the colonial government under pressure from the people for self-government. Legislative assemblies, elected on qualified franchise and possessing limited powers, were functioning in many provinces. Ideas of universal adult franchise, sovereignty of the people, etc., figured prominently in the speeches of native leaders of the freedom movement. This included leaders of both the Muslim League and the Congress, most of whom came from the Westernized upper and middle classes.

An adoption of secular parliamentary democracy in a more substantial sense, therefore, was one possible course which Pakistan could follow. On

the other hand, the idea of an Islamic state had gained currency during the 1940s campaign for the creation of a separate homeland for the Muslim nation.

After independence the discussion on the Islamic state has proceeded well beyond a consideration of the formal ideological basis of legitimate political authority, to include wider societal issues such as poverty and backwardness of the Muslim masses. This required that some position had to be taken on the status of private property. Were reforms of existing property relations permissible in Islam? How did Islamic economic precepts relate to the challenge of contemporary socialist ideas? These and several other socio-economic and political issues have engaged the attention of scholars, thought groups, political parties and others.

Regarding the revived interest in creating an Islamic state, various interpretations obtain. According to one point of view, with the decline of Western imperalist influence and the failure of Western institutions to take root in the Third World, the former colonies and neo-colonies were led inevitably to revitalize their own political traditions and to recast their political systems in the mould of their historical past. In the case of the Muslim world, since there was no separation in Islam between the spiritual and temporal realms, and therefore, politics could not be divorced from religion, the idea of an Islamic state, it is asserted, is the rekindling of the typical Islamic political ethos.[2] Another standpoint asserts that the undemocratic nature of Islamic political ideology, popularized in the present times by fundamentalist ideologues, commends it to regimes which have no popular support and need to find some measure of legitimacy.[3] In short, the idea of an Islamic state has stimulated diverse speculations and explanations.

Existing studies

The relationship between Islam and politics, and the implications which flow from such a relationship in modern times for Muslim society, has been the subject of several scholarly contributions. Ever since the Iranian Revolution of 1978–9, the subjects of Islamic states, Islamic politics, Islamic economy and so on, have figured frequently in newspapers all over the world. Many books of journalistic merit, both serious and sensational, have appeared on these topics. In addition, a number of specialized periodicals exist which deal almost exclusively with Islamic studies. However, while there is an abundance of popular writings, serious analytical works are rather few.

Our aim here is to examine, on the one hand, selected writings which shed light on contemporaneous political and ideological trends in the Muslim world so that the trends obtaining in Pakistan can be placed in the

context of a wider, historically-evolved, cultural and political background; and on the other hand, to examine major existing scholarly studies which focus on the idea of making Pakistan an Islamic state.

G. H. Jansen in his book, *Militant Islam*, argues that the recent fervour in the Muslim world for creating an Islamic state is not a new phenomenon but something which has existed always, only the West has until recent times been largely ignorant of this innate tendency in Islam to aspire after a state for its realization.[4]

Edward Mortimer attempts a survey of six different theoretical models of the Islamic state and society in different parts of the Muslim world, including Pakistan, and concludes that despite some common characteristics, each model is unique and fashioned by a host of local, political, historical and economic factors. Secondly, at any given time more than one interpretation of Islam is available in each country. It is, therefore, incorrect to think of Islam as a monolithic social order or the Muslims as one cohesive community. He sums up his position in the following words:

> Consequently I think that Western notions about 'Islam' as a geographical force—whether a menace to the 'free world' or a potential ally against Soviet communism—are fundamentally misplaced. I think it is more useful, in politics at any rate, to think about Muslims than to think about Islam.[5]

Analysing the political ideas of Muhammad Abduh (1849–1905), a leading Egyptian thinker in the modern era, Malcolm H. Kerr remarks:

> The evolution of Islamic modernism from a program of radical reform to simply a set of vague ideological attitudes has been due in large measure to the apologetic mentality among Muslims *vis-a-vis* Western civilization. Europe in the reformation and the Enlightenment could dispute theological and philosophical questions within itself, without reference to ulterior standards; Muslims in the nineteenth and twentieth centuries have been in no position to do so, for the ulterior standard has been there for all to see. Hence doctrinal issues could not be disputed solely on their own intellectual or social merits. One must show that one's principles are no less advanced than those of Europe, but no less Islamic than those of the established conservative tradition. This dual standard has scarcely been conducive to rigorous systematic thought; instead it has opened the market to superficial slogans and angry polemics. Among more capable intellectuals it put a premium on ingenuity and nimble equivocation rather than on sustained thought.[6]

Abduh approved of the British parliamentary system as suitable to the needs of Egypt. Only the prime minister was to be a Muslim, and interference of the British colonial authorities in matters related to Islamic religion was to be rejected. Kerr observes that Abduh's ideas were ambiguous, but his influence so immense that such diverse individuals as the liberal constitutionalist Ahmad Lutfi as-Sayyid, the militant fundamentalist Hasan al-Banna of the Muslim Brotherhood, and the Arab socialist Gamal Abd al-Nasir, all took inspiration from him.[7]

Abduh, who was primarily interested in a modernist reform of Islamic theology, adopted a similar attitude towards politics. He described the institution of the caliphate as a civil matter. The divine law imposes limits on the authority of the ruler and his subordinates. The interpretation of the *Sharia* is not the exclusive right of a divinely-appointed elite, but is open to all scholars whether employed by the state or working privately. This way an Islamic polity could not be a theocracy. This mode of reasoning, typified by Abduh has influenced Muslim political thought all over the world. The upshot of the argument is that an Islamic state abolishes the exclusive rights of the clericals to interpret the *Sharia* but at the same time imposes limits on the authority of temporal rulers who are required to observe and enforce the dictates of the divine law. Such a balance is believed to furnish the ideal mean between two polar extremes.

Majid Khadduri points out the impact of European ideas on modern Arab thought, Parliamentary democracy, constitutionalism, secularism, nationalism, socialism, atheism, all have influenced the Muslim mind. While some reformers urge the adoption of these ideas and an abandonment of worn out traditional practices, others call for a revival of the earlier ideal Islam uncorrupted by the accretions of later centuries. A middle tendency has also evolved which attempts to find syntheses and new combinations through eclectic theorization.[8] These syncretic mixtures are labelled Islamic democracy, Islamic socialism, and so on. At the same time, he notes an obvious ideological bias of Islam against radical economic change. He writes:

> On purely doctrinal grounds Islam, probably more than any other religious system, is difficult to reconcile with communism . . . Islam recognizes the institution of private property and free enterprise, and the sacred law regulates all kinds of possession and disposal of property, including its transmission by inheritance to the owner's children and near kin. Even the rights of the state to own and dispose of property are limited.[9]

About the ideology of the Muslim Brotherhood of Egypt, Khadduri observes that their leader Hasan al-Banna asserted that Islam possessed its own complete system of social life which guaranteed freedom, equality, social security and justice to all. There was therefore, no need for Muslims to borrow ideas and institutions from other societies.[10]

Hamid Enayat examines the main trends in modern Islamic political thought among both Sunni and Shia thinkers. He asserts that after the Turks abolished the caliphate in 1924 and established a secular national state, the Sunni world has been deprived of its historical symbol of political continuity. In the absence of a universal caliphate the idea of an Islamic state was being projected by Sunni theoreticians with a view to maintaining a link with Muslim history.[11]

In this connexion he examines the ideas of Abduh, Rida, Banna, the Pakistani fundamentalist Maududi, and some other scholars. The prolific writings of Maududi, comprise in Enayat's opinion the most lucid exposition of the concept of an Islamic state. Maududi's Islamic state requires much more than constitutional changes in favour of Islam to realize its purpose; it needs an ideologically vigilant cadre to put its holistic ideology into effect.[12]

Enayat attempts a survey of the compatability of Islam with Western ideas of nationalism, democracy and socialism. The problem of divided loyalties, to Islam and to ethnic and linguistic particularities, is a serious one for the Muslim world. Among Arab Muslims a special pride in Arabism is to be found. Islam is sometimes equated with the national religion of the Arabs. Iranian nationalism has historically found its expression in the Shia creed. The Turks have abandoned religious nationalism and founded a secular state. Elsewhere also, the attraction of non-religious nationalism is quite strong. In so far as democracy is concerned, while many values are common to both Islam and modern notions of democracy, the two systems nevertheless, are qualitatively different. He remarks:

> Those Muslim thinkers who face this issue boldly, and free of any compulsion to keep their faith abreast of ephemeral political fashions, normally come up with the open admission that Islam and democracy are irreconcilable.[13]

Between Islam and socialism, however, Enayat finds greater affinity since both aim basically for social justice. Socialist ideas can be accommodated within the Islamic socio-economic spirit if the atheistic and eurocentric aspects of modern socialism are discarded. In this connexion, he points to the efforts of Ali Shariati in Iran to develop an Islamic theory of socialism.

On the other hand, Maxime Rodinson has argued that there are no strategic hindrances in Islam against capitalistic enterprise. A bias against socialization of property, however, is firmly established in tradition and the privileged classes in the Muslim world are often found seeking support from the *ulama* in the defence of property.[14]

In 1951, Wilfred Cantwell Smith, a well-known scholar of Indian Islam, wrote a long essay entitled *Pakistan As An Islamic State*, in which he analysed the conversations he had had with educated Pakistanis on the idea of making Pakistan an Islamic state. He found that the idea of establishing an Islamic state was supported by a large number of the Muslim intelligentsia. Non-Muslims, Communists, and the small but influential Westernized stratum, however, preferred a secular democratic state. But even when the idea of an Islamic state seemed to enjoy wide popularity, there was no clear conception of its distinctive properties. In a

general sense, it seemed to mean a good society. Some equated the good society with a polity in which democracy, equality, social justice and freedom would prevail in consonance with Islamic principles. The *ulama* hoped to create a state in which the *Sharia* was the supreme law of the land. For most people the idea of an Islamic state was a hazy ideal which they cherished but did not comprehend.[15]

A decade later Leonard Binder published an exhaustive study of the ideas and politics of producing an Islamic constitution for Pakistan during the years 1947–56. He made this incisive observation:

> A little over five years ago I left Karachi with a gnawing feeling of unfulfillment. I had spent nearly a year reading and talking about this idea of an Islamic constitution which so many Pakistanis seemed to hold so dear, and which seemed so consistently to elude them ... At that time, I thought the constitutional controversy an incident, albeit lengthy, not yet completed.Now more than five years later I know it is not yet ended and perhaps never will be.[16]

Binder found four different points of view expressed during the constitution-making process: a traditional, a fundamentalist, a modernist and a secular one. These corresponded to four loosely organized social groups. The traditional viewpoint was held by the *ulama* who identified an Islamic state with a recognition of their own role as guardians and interpreters of the sacred law. The modernist standpoint was put forward by the Westernized politicians, businessmen and professionals whose idea of an Islamic democracy meant that an elected parliament was to exercise legal sovereignty on behalf of the Muslim community. The secularists came from the most highly Westernized sections of society. They were small in number but quite influential since they occupied important positions in the civil bureaucracy and the military. About the fundamentalists he remarks:

> There is only one important fundamentalist group in Pakistan, the Jamaat-i-Islami, but its supporters and sympathizers seem to be drawn from the traditional middle class, the students, and those who have failed to enter into the modern middle class despite achieving the bachelor's degree. The bazaar merchants generally support the traditional elites, but with their intuitive sense for the perservation of their interest are often in financial support of the Jamaat.[17]

Binder presents a summary of some of the main ideas of the leader of the Jamaat, Abul Ala Maududi, on Islam and the Islamic state. The Islamic state of Maududi, seeks to transform all sectors of society in a way that, while traditional Islam rids itself of impure additions, the new society based on pristine Islam becomes an ideological bulwark against all notions of Man's independence *vis-à-vis* God. The idea of the sovereignty of God is therefore to supplant all notions of the sovereignty of the people.[18]

He concluded that in the concrete bargaining which took place among different political actors on the 1956 constitution, ideological purity was compromised and pragmatic bargains were struck. The traditionalists and the fundamentalists did not reject out of hand several principles of democracy while the modernists acknowledged the supremacy of the revealed law and specific clauses were included in the constitution to ensure that this commitment was realized.

A similar study of Islamic constitution-making in Pakistan was done by Manzooruddin Ahmed. In his book, *Pakistan: The Emerging Islamic State*, published in 1966, Ahmed classifies the traditional *ulama* and the fundamentalists under one broad category of traditionalists. The modernists are defined as liberals. The third category involved in the debate on the Islamic state were the secularists who did not want an Islamic state of any kind. Maududi emerged as the ideologue of the doctrinal Islamic state, and the *ulama* followed his lead in the campaign for an Islamic state. In the struggle between the two main contending groups of traditionalists and liberals, while the former tried to get the idea of divine sovereignty recognized to mean that the leading role of the *ulama* as the experts of the revealed law will not be questioned, the latter insisted upon the right of an elected assembly to exercise independent legislative rights in the light of Islamic principles.[19]

Sayed Riaz Ahmad in his book, *Maulana Maududi and the Islamic State*, examines the ideas and efforts of Maududi to promote the concept of a doctrinal state in Pakistan. Ahmad traces the roots of fundamentalism to Shah Waliullah and other Muslim revivalists who, during the decline of Muslim power in India, struggled to maintain the distinct identity of the Muslim community by stressing the need to adhere to pure Islam and to avoid contact with other communities. This tendency finds consummation in Maududi's thought. Maududi's views on economic and social matters are deeply conservative. An Islamic state founded on his ideas would mean a downgrading of the position of women and an institutionalization of the discrimination against religious minorities.[20]

Maududi's ideas are compared with those of two other protagonists of the Islamic state, namely, Muhammad Asad and Khalifa Abdul Hakim. While all three emphasize that sovereignty in an Islamic state belongs to Allah, they differ in terms of a practical realization of this fundamental principle.

On Maududi's method of proving the superiority of Islamic ideas over Western thought, Ahmad makes this interesting remark:

> Although he is convinced from the onset about the superiority of the Islamic institutions, culture, law, economic system and moral bases, he tends, in his writings, to prove this by making comparisons between Islam and the West. However, he tends to prove the superiority of Islam by comparing it with Western

practices not realizing, it seems, that comparison of ideology with practice is always fallacious.[21]

Kalam Bahadur points out the similarities between the ideology of the Egyptian Muslim Brotherhood and Maududi's Jamaat-i-Islami. Maududi's Islamic state based on the sovereignty of God, would mean a denial of the autonomy of human will. Such an all-inclusive ideology would lead to the creation of a monolithic authoritarian state. Such a state, asserts Bahadur, could not be democratic in any modern sense of the word.[22]

Charles J. Adams considers Maududi one of the most learned exponents of the Islamic state in the Muslim world. His views on Islam and the Islamic state are indicative of an inclination towards totalitarianism, a totalitarianism which Maududi believes need not cause any concern since: 'God's commands working in the life of the state are just and benevolent'.[23]

Wayne A. Wilcox examines the ideological controversy in Pakistan in terms of the process of modernization which is bound to conflict with static religious norms. Since the social structure in Pakistan is complex and variegated, and several different intellectual and cultural traditions have made an impact on it, no one particular idea of Islam, or of the Islamic state is to be found.[24]

Freeland Abbot points out the great difficulty of defining an Islamic state:

> The founder of Pakistan, Mohamed Ali Jinnah, frequently said the Muslims of India could not hope for security until they had achieved their own sovereign government . . . It was not long before this initial appeal for a state for Muslims became voiced as an appeal for an 'Islamic state.' But there were nearly as many definitions of the 'Islamic state' as there were individuals defining it.[25]

Abbot surveys a broad spectrum of Muslim opinion on the nature of Islamic belief and the concept of an Islamic state. While several measures of legal and constitutional nature have been taken to give Pakistan an Islamic flavour, the differences between traditional Muslims and the modernists on Islamic belief, and the implications which follow from it for the shape of Muslim society, are too basic. The various reformers themselves form a disparate lot which makes it difficult to transform Islamic theology along modern lines. Until such theologians appear who could prepare Islam for the modern age, the hold of the traditional scholars over Islam would make it difficult to create a society reflecting modernist values.[26]

Aziz Ahmad in his book, *Islamic Modernism in India and Pakistan 1857–1964*, argues that in so far as the question of an *Islamic state* is concerned in Pakistan, an 'Islamic' state by definition means the continuation of the historical process of law as developed during the classical period, which means in essence, a doctrinal state. What the modernists

mean by it is a *Muslim state*, which means a state based on independent Muslim majority rule. But the modernists adopt a defensive posture on this question, making awkward concessions to conservative Muslim opinion on this matter.[27]

Erwin I. J. Rosenthal observes: 'Islam has never experienced a Reformation resulting in basic, radical reforms. It has had its reformers, but they aimed rather at the purification and restoration of Islam as practised by Muhammad, his companions, and first successors.'[28] He examines the ideas of Muhammad Asad and Maududi on making Pakistan an Islamic state. While the former emphasizes the need to dispense with much of traditional Islamic law, the latter is a conservative reformer. However, both are opposed to secular democracy and aim at the creation of an ideological Islamic polity.

About the efforts in Pakistan to frame an Islamic constitution Rosenthal remarks:

> It is difficult to decide whether the vagaries of the process of framing a workable constitution are due to the so-called Islamic ideology being open to so many different interpretations as movements, parties and people use the term, almost like a magic wand, or to a more deep-rooted disagreement about the aims and objects of an independent Muslim state and nation in the subcontinent which has produced this ambiguous ideology.[29]

Anwar Syed argues that the doctrinal type of Islamic state has no popular support among Pakistanis, and national solidarity could not be promoted by basing the state on the dogmatic ideology of the *ulama*.[30]

Jan Hjärpe provides a useful graphic scheme for distinguishing among the traditional, fundamentalist, modernist and secular trends existing in the Muslim world. Fundamentalism is a belief that the Quran and *Sunna* are the authoritative sources for creating a completely new society, including its political, economic, social and cultural forms. Secularism is the opposite tendency which seeks to make religion a strictly private affair of the individual and dissociates the state from substantial religious duties. Traditionalism and modernism refer to the attitude towards the interpretation of Islam. The traditionalists would like to enforce the entire law of Islam as interpreted by the jurisconsults of the early period. The modernists, on the other hand, wish to observe only the broad principles enunciated by Islam, and would leave the responsibility of law-making to an elected legislative assembly of a Muslim state.[31]

However, even when one can place different modes of thought with the help of analytical criteria, into these four basic categories, there are peculiar shades and nuances present in almost each position placed in them, which mark off its distinctiveness. All this inclines one to conclude, asserts Hjärpe, that there is no single definition of Islam or the Islamic state.[32]

However, almost all writings on Islam point out the social character of Islamic precepts. That a state is sought to practise them, is a tendency which has deep roots in Muslim history. Similarly, almost invariably all writers note that the idea of a religious state was immanent in the logic of Muslim nationalism which served as the rationalizing and mobilizing ideology during the struggle for Pakistan.

Contribution of this research

This study addresses itself to an analysis, on the level of ideology, of the main views expressed in Pakistan on the concept of an Islamic state. In other words, it deals with the concept of an Islamic state as a prescriptive measure meant to solve various problems facing Pakistan, in the light of certain moral values. Most of the studies on the Islamic state deal with it on an abstract level. The effort is usually to capture the philosophical bases from which it emanates. How abstract notions, ensconsed in philosophical jargon, relate to concrete, tangible social relations is often lost in such analyses.

Previous studies on the Islamic state in Pakistan have concentrated either on the thought of some individuals, or studied the thought and activities of particular organizations, or approached it as a political bargaining process among several actors around constitution-making.

This inquiry, however, studies political thought confined to the immediacy of a real society: Pakistan. The different positions analysed deal with real questions of state and society construction. As a result, one can gauge the ethical preferences, sometimes of precise institutions and practices, with greater accuracy. This way, the implications embedded in a thought pattern can be apprehended with sufficient clarity. More importantly, through systematic comparison one gets a clear, coherent view of the visions of the good society idealized in different positions. In this sense, this study brings to completion what has been pursued in a rather inchoate manner in earlier studies: a systematic analysis of the salient positions in Pakistan on the concept of an Islamic state.

The structure of the book

This book is divided into four parts. Part One includes chapters 1 and 2: these introduce the subject being examined and the methodological aspects of the inquiry. Part Two consists of chapters 3 and 4: these provide necessary historical information. Part Three includes chapters 5, 6, 7 and 8: these are summaries of the different positions and their brief analysis. Part Four includes chapters 9 and 10. Chapter 9 is a systematic analysis of important themes, Chapter 10 is a continuation of the analysis and comprises the conclusion.

Notes

1. G. Allana (ed.), *Pakistan Movement: Historic Documents* (Lahore: Islamic Book Service, 1977), pp. 115–22, 241–5.
2. A. K. Brohi, *Islam in the Modern World* (Lahore: Islamic Book Foundation, 1981), pp. 193–211, 349–52. See also G. H. Jansen, *Militant Islam* (London: Pan Books Ltd., 1979). This main theme pervades the whole book, see especially pp. 188–204.
3. Aijaz Ahmad, 'Political Islam: A Critique', in *Pakistan Progressive* (California: Organization of Progressive Pakistanis, 1983), pp. 14–42. See also Khalid B. Sayeed, *Politics in Pakistan* (New York: Praeger, 1980), pp. 178–88.
4. G. H. Jansen, *Militant Islam* (London: Pan Books Ltd., 1979). This theme runs throughout the book, see especially pp. 11–30, 188–204.
5. Edward Mortimer, *Faith and Power* (London: Faber and Faber, 1982), p. 406.
6. Malcolm H. Kerr, *Islamic Reform: The Political and Legal Theories of Muhammad Abduh and Rashid Rida* (California: University of California Press, 1966), p. 16.
7. Ibid., p. 15.
8. Majid Khadduri, *Political Trends in the Arab World: The Role of Ideas and Ideals in Politics* (Baltimore and London: The John s Hopkins Press, 1970), pp. 3–6.
9. Ibid., pp. 125–6.
10. Ibid., pp. 76–7.
11. Hamid Enayat, *Modern Islamic Political Thought* (London: The Macmillan Press, 1982), pp. 52–69.
12. Ibid., pp. 99–103.
13. Ibid., p. 135.
14. Maxime Rodinson, *Islam and Capitalism* (Harmondsworth: Penguin Books, 1974), pp. 185–235.
15. Wilfred Cantwell Smith, *Pakistan as an Islamic State* (Lahore: Sh. Muhammad Ashraf, 1951), pp. 65–6.
16. Leonard Binder, *Religion and Politics in Pakistan* (California: University of California Press, 1961), p. vii.
17. Ibid., p. 8.
18. Ibid., pp. 90–4.
19. Manzooruddin Ahmed, *Pakistan: The Emerging Islamic State* (Karachi: The Allies Book Corporation, 1966), p. 14.
20. Sayed Riaz Ahmad, *Maulana Maududi and the Islamic State* (Lahore: People's Publishing House, 1976), pp. 135–56.
21. Ibid., p. 160.
22. Kalim Bahadur, *The Jamaat-i-Islami of Pakistan* (Lahore: Progressive Books, 1978), pp. 159–88.
23. Charles J. Adams, 'The Ideology of Mawlana Mawdudi', p. 390 in Donald Eugene Smith (ed.), *South Asian Politics and Religion* (Princeton: Princeton University Press, 1966).
24. Ibid., see Wayne A. Wilcox, 'Ideological Dilemmas in Pakistan's Political Culture', pp. 339–51.
25. Freeland Abbot, *Islam and Pakistan* (New York: Cornell University Press, 1968), p. vii.
26. Ibid., pp. 225–31.

27. Aziz Ahmad, *Islamic Modernism in India and Pakistan 1857–1964* (London: Oxford University Press, 1967), pp. 260–73.
28. Erwin I. J. Rosenthal, *Islam in the Modern National State* (Cambridge: Cambridge University Press, 1965), p. xii.
29. Ibid., p. 203.
30. Anwar Syed, *Pakistan: Islam, Politics and National Solidarity* (Lahore: Vanguard Books, 1984), pp. 7–10.
31. Jan Hjärpe, *Politisk islam* (Stockholm: Skeab Förlag, 1983), pp. 42–3.
32. Ibid., p. 8.

2 A scheme of analysis

In order to conduct research on a systematic basis, it is useful if the problem being examined is stated explicitly, the concepts and analytical categories employed are described, and a scheme of analysis developed. Accordingly, this chapter is devoted to these aspects of the investigation.

Problem

The objective reality of many Third World countries reflects a chronic crisis of legitimacy. This crisis permeates the political, economic, social, cultural and other major domains of societal life. The coming of independence is understood as the beginning of a new epoch of change and progress. The moral basis of a freedom movement is the accusation that colonialism has caused the degradation and exploitation of the people. A removal of these effects is therefore the main hope shared by the people. This requires a consideration of the goals, means and forms of the process of change which society must experience, in its transformation from the *situation as it is* to the *situation as it ought to be*. This refers invariably to the need for an ideology which is to guide the process of change.[1]

Now whereas it is impossible to talk responsibly in terms of 'The Path to Progress', it is difficult to ignore that material development in the industrialized world has come about through the adoption of either the capitalist or communist system. The discussion on a national ideology in the Third World, therefore, has to take cognizance of these two alternatives. There is a tendency to join traditions of government and society, derived from a real or mythical past, with either of these two 'models', or with some eclectic mixture of the two.[2]

This historical and cultural past is that vast reservoir which furnishes the symbols, beliefs, norms, etc., from which the raw materials of a national ideology are extracted. The Third World state is under a moral constraint to concoct an ideology which seems to promise a removal of the egregious iniquities of colonialism.

But while, during the freedom struggle, the ideology of national liberation can be kept at a fairly generalized level of populism, which facilitates the convergence of interests on the broadest social scale against

the 'enemy/enemies', in the post-colonial era concrete action is demanded by the people. This brings into conflict the high expectations raised during the freedom movement with the actual achievements after independence. That a dissonance between ideology and reality occurs all the time is to mention a platitude. But it is important, nevertheless, to point out that people expect that society should strive to eliminate the gap between professed goals and actual achievements.

But just as the coming into being of an independent state raises hopes to the zenith, the disillusionment which follows after independence can create an acute sense of despair. This situation is typical of at least a majority of the newly-independent states of Asia and Africa. While some have combined political independence with a socialist revolution of one kind or the other, a majority of these states retain in large measure the political framework left behind by colonialism. This means that the social order devolving upon the state from the colonial legacy is not disturbed in any substantial sense by the indigenous ruling elite.[3]

In these circumstances, it seems, the ruling elite's inventiveness is directed at creating an appropriate ideological phantasmogoria in which the whole people can find a reflection of their own selves. Partly this is necessitated by the exigency of finding uniting factors among the disparate elements which comprise the new nation. Another, and perhaps more immediate reason, is the need to obfuscate the continued exploitative nature of social relations behind a grand illusion, so that the use of the coercive power of the state in behalf of the ruling elite can appear to be legitimate.

Such a grand illusion, however, is not easy to fabricate since the modern elite and the traditional masses often do not share the same values and beliefs. This is compounded further by the contradictions between the poverty of the masses and the affluence of the privileged classes. In these circumstances, an ideology of protest can crop up, posing a serious threat to the privileges of the ruling elite. Marxist-inspired movements are one kind of protest ideology; the other main type is revivalist movements, striving to expurgate all traces of the colonial legacy and to restore society to its traditional milieu.[4]

In the context of the Muslim world, Islamic slogans have been used effectively on several occasions to mobilize opposition against a corrupt Westernized elite; the classic example of this is Iran in recent times. However, the use of Islam as a legitimating factor for political action is not an undisputed right of the traditional forces, which usually means the various brands of *ulama*. Even the modern elite can employ Islam to aid it. In fact, since the modern elite is usually quite small, it often seeks ideological hegemony over society by projecting a vision of Islam which is a combination of traditional symbols and notions and modern secular

values. Such a modernist vision of Islam is contrasted with the allegedly rigid Islam of the traditional Muslims. In this way, an attempt is made to construct a cultural bridge between itself and the ordinary people.[5]

The Muslim world comprises more than 800 million people belonging to diverse ethnic, linguistic and sectarian backgrounds. The majority of them live in Asia and Africa. The Muslim world experienced varying forms of European domination during the last two hundred or more years. This domination has included both direct colonial occupation and indirect control through military superiority over the sovereignty of Muslim states.

In the present era, we are witnessing the eruption of great political fervour in the form of revolutionary and reformist movements which call for the Islamization of state and society. The protagonists of such an outlook mean that Islam provides a better alternative to both capitalism and communism. This has involved thinkers and personalities representing different social strata and intellectual orientations. A dissenting secular approach also obtains which wishes to base the polity on modern Western or Marxist lines. Obviously, these theoretical positions are coloured to some extent by concrete competing social, economic and political interests.

At the bottom of such an upsurge is the problem of harnessing the development of society—which has been in a state of flux ever since its inertia was shed by the coming of independence—with an appropriate bridle. In this expedition, the search for a cogent ideology engages all competing social forces. This invariably involves questions about democracy, modernization, and socio-economic reforms.

Pakistan has been proclaimed an ideological state several times in official statements. Towards the end of the 1960s, when radical movements threatening the existing order of society began to emerge in both West and East Pakistan, the religious-oriented political forces started propagating the idea of 'The Ideology of Pakistan'. It was asserted that such an ideology, derived from Islam, was self-contained and complete, and required loyalty from all Muslims. To borrow ideas from other ideologies, was therefore to be considered an act of insufficient patriotism and suspect faith.[6]

The military government of General Yahya Khan issued in March 1970 a legal framework order which was to define the basis on which Pakistan's first ever general elections were to be held. It stated explicitly that the constitution, which the elected members of the Pakistan National Assembly were to frame, should ensure that: 'Islamic ideology which is the basis for the creation of Pakistan shall be preserved . . .'.[7] At the same time it was mentioned that: 'Adherence to fundamental principles of democracy shall be ensured by providing direct and free periodic

elections to the Federal and the Provincial Legislatures on the basis of population and adult franchise.'[8]

This tendency to emphasize the Islamic character of Pakistan and also to commit it to democracy finds expression in almost all declarations of an ideological nature of the successive regimes that have come to power since independence. In reality, neither an Islamic state of the self-contained variety, nor a modern state practising Islam and democracy have emerged so far. All regimes, however, have made use of both Islamic and democratic appeals to legitimate themselves.

A controversy has therefore existed all along about the nature and purpose of Pakistan. The crux of the controversy lies in the way the relationship between Islam and a state, in which Muslims are the dominant majority, is conceptualized. In other words, the controversy deals with a generic question about what ought to happen in an ideological state such as Pakistan. The following questions are therefore examined to shed light on the controversy: 1. What are the standpoints of various Pakistani thinkers and ideologists on the concept of an Islamic state? 2. Do the contributors to the discussion on the concept of an Islamic state believe that the ideals of an Islamic state can be reconciled with modern Western democracy?

Ideology

We shall proceed to examine the concept of ideology which is central to our investigation.

There are few concepts in political science which evoke such varied reactions as ideology. It has been used profusely and often loosely by philosophers, historians, political scientists, and the general public. Some have raised it to the status of a science, while some others dismiss it as a pathological attitude of fanatics. Yet, despite being caught up in the midst of this crossfire the concept has shown great resilience.

The eighteenth century *ideologues* designated their new branch of learning as the 'science of ideas'.[9] By science they understood a method which could be applied to analyse every phenomenon into its simplest, irreducible elements, followed by a synthesis of these elements. The *ideologues* tended to apply this method to all aspects of the world: natural, social, physical, human, etc. The National Institute set up in 1795 offered among other subjects, analysis of ideas, morals, social science, legislation, political economy, history and geography. Their influence in the aftermath of the French Revolution was considerable. Some of their unconventional ideas, however, brought them into disrepute with the authorities. They were critical of both the Church and the secular establishment which were accused of being tied to age-old prejudices and

traditions. After his defeat in 1812, Napoleon condemned them for spreading pernicious ideas which threatened the normal fabric of intellectual and political life. The 'science of ideas' was denigrated as 'ideology'.[10] These connotations, acquired by ideology in its inceptionary stage, have continued to be part of the general conception about it.

In an effort to separate ideology from political philosophy, P. H. Partridge says:

> The political speculation of Plato, Hobbes, Locke or Hegel is philosophical because each of these writers has tried to connect his conclusions about political organization, or about the 'end' of political life, with a wider philosophical system ... By the ideological impulse I mean merely the forms of political thinking, in which *emphasis* falls neither on philosophical analysis and deduction, nor on sociological generalization but on moral reflection—on elaborating and advocating concepts of the good life, and of describing the forms of social action and organization necessary for their achievment... Of course one cannot draw a sharp line between ideological and philosophical political writing: almost all political philosophy has been 'practical' in that it has had the practical object of persuading readers of the 'rationality' or moral superiority of some specific form of social organization.[11]

From this comparison we learn that it is not easy to distinguish between different realms of thought. Partridge draws the sharpest line between political philosophy and ideology, on the basis of an action orientation of the latter whereas political philosophy is more ethereal and metaphysical.

Contrary to the prevailing view that ideology is a ubiquitous phenomenon, an end-of-ideology school also exists which maintains that ideology is on the wane in the advanced capitalist societies of the West. The workers have been placated through various social and economic reforms during the peaceful growth of the economy after the Second World War. Consequently, radical ideas have ceased to fascinate the working class. Such change is believed to be a basic change of values.[12]

The close relationship between ideology and politics has been noticed by many political scientists. David Easton dealing at length with the role of ideology as a legitimating factor for a political system observes:

> No system can endure, at least for very long, without the presence of some moderate belief in its legitimacy ... Values ... consisting of articulated ethical interpretations and principles that set forth the purposes, organization and boundaries of political life, I shall describe by their usual name, ideologies.[13]

Gabriel Almond draws attention to the function of ideology as an intelligible structure of conceptual references which gives coherence to political action. Ideology plays the adhesive role of linking thought to behaviour.[14]

David Apter defines ideology in the following words:

> Ideology involves more than doctrine. It links particular actions and mundane practices with a wider set of meanings, giving social conduct a more honorable

and dignified complexion . . . ideology helps to make more explicit the moral basis of action . . . Furthermore, ideology is not philosophy. It is the curious position of being an abstraction that is less abstract than the abstractions contained within it . . . Political ideology is an application of particular moral prescriptions to collectivities. Any ideology can become political.[15]

Examining the politics of modernization in developing societies, Apter discovers four main ideological currents prevailing in them: nationalism, socialism, science and some new form of fascism. He focuses on the first three ideologies. The process of modernization, by which he means the laying of an industrial infrastructure in pre-modern societies, causes deep social upheavals. Under such circumstances ideologies attract the mass of people who are uprooted in the process of transition. Nationalism and socialism prosper more easily during this phase because of their emphasis on fantastic solutions. Scientific ideology is based on practical realism which follows the logic of inquiry. In the turbulence of the developing societies, the modern elite which pursues science is small, and therefore quite insecure. Nationalism and socialism serve more easily as mobilizing ideologies which can fascinate people, while science, which is attuned to pragmatism, lacks dramatic appeal. It is disposed towards reconciliation and gradual change. Although fascism is not probed at length Apter makes this incisive observation:

Some of the ideologies making their appearance in modernizing societies emphasize, by means of anti-Westernism, an antibourgeois attack, a demand for selflessness on the part of the people, a new-found cultural superiority coupled with an expression of deliberate racial renaissance, and a blend of mystical elements, sacred objects, eternal fires, and all the rest. In short . . . some of the modernizing ideologies may well come to resemble fascism . . .[16]

Paul E. Sigmund associates commitment, both emotional and intellectual, action-orientation, and conscious and unconscious distortion of the facts to fit a pre-established doctrine, with the general meaning of ideology as a systematic body of ideas about human life.[17] Writing in the 1960s on the problem of modernization, Sigmund identified three main types of political leadership in the developing countries: traditionalist, gradual reformist, and radical reformist/revolutionary.

Speeches and extracts of speeches of important leaders of developing nations form the major portion of the book, *The Ideologies of the Developing Nations*, which Sigmund has edited. In the section on the Islamic world, however, no work on the concept of an Islamic state is included. The Egyptian Muslim Brotherhood were an active force during the 1950s and 1960s, but Sigmund preferred rather to include the ideas of Gamal Abd al-Nasir and Mohammed Hasanein Heykal on Arab Socialism. Both thinkers affirm that Islām stands for social and economic justice which can be achieved best not by abolishing private property, as

communism prescribes, but through suitable economic reforms which eliminate exploitative property and leave property resulting from hard work with the rightful owners.[18] Also included are the views of the gradual modernizer Habib Bourguiba of Tunisia. Bourguiba argues for the abandonment of the traditional *Ramadan* fast, asserting that it is not suitable for modern times. He also speaks approvingly of birth control. Such utterances are important breaks with established tradition. The fundamental problem facing Muslim leaders is how to adjust traditional religion with the process of modernization which engulfs the whole Muslim world.

Referring to the functions or uses of ideology, Sigmund points out that besides serving as a guide to action, ideology can also serve as:

> . . . a systematic distortion, exaggeration, or simplification which has other bases besides the attempt to understand or evaluate the world of experience and action. In the case of the political leader, this implies a difference between a sincere attempt to translate values into a systematic guide to action, and the devious and manipulative use of rational and emotional symbols, to attain or retain power or to further some other interest.[19]

He finds both these tendencies among leaders of the developing nations whose historical task is to prepare their people for modernization.

About the distortion of reality aspect of ideology, much has been written. Karl Mannheim situates thought in the sociological and historical context. Ideology is a mode of thought which distorts the objectively existing reality. This distortion can be the act of an individual (a particular ideology requiring psychological analysis) or a faulty world-view of a group of people (a total ideology which calls for sociological analysis). Distortion in the appreciation of reality occurs through a combination of several factors—namely, obfuscation resulting from a historically evolved tradition of thinking, an overly inflexible commitment to vital emotional interests, and conscious deception.[20] Further, a distinction is to be drawn between ideology and utopia. Ideology, although a distortion of reality, nevertheless aims at a stabilization of the existing social order. Utopia, on the other hand, wishes to replace the existing order with a wholly new social order. However, both ideology and utopia, being distortions of reality, are unrealizable in reality.[21]

The analysis of a faulty world-view, both ideological and utopian, was the main area of interest for Mannheim. He hoped to rectify the problem of false consciousness through his 'sociology of knowledge'. It meant: 'an all inclusive principle according to which the thought of every group is seen arising out of its life conditions.'[22] By an application of this method Mannheim hoped to establish a link between all social thought and the environment.

The conception of ideology as false consciousness is captured vividly in this famous observation of Marx and Engels:

The ideas of the ruling class are in every epoch the ruling ideas: i.e. the class which is the ruling *material* force of society is at the same time its ruling *intellectual* force. The class which has the means of material production at its disposal, consequently also controls the means of mental production, so that the ideas of those who lack the means of mental production are on the whole subject to it.[23]

Antonio Gramsci updated this conception of ideology to the conditions of twentieth century Western society. He asserted that the ruling class no longer ruled directly but exercised hegemony. The various categories of urban and rural intellectuals function as intermediaries between civil society and the state. However in periods of crises such hegemony is disturbed. These could be the failure of the ruling class in a major political undertaking such as defeat in war, or the masses suddenly assume revolutionary consciousness during a period of flux and transition, etc.[24]

In his essay *Ideology and Ideological State Apparatuses*, Louis Althusser points out that the Western state reproduces the capitalist social order through the functioning of both the repressive apparatuses such as the police, penal and military establishments, and the ideological apparatuses which include the Church, the educational system, etc. The repressive apparatuses are an identifiable unity since they belong to the public domain, while the ideological apparatuses are usually private and a plurality. The ideological apparatuses disseminate the proper ideology. This task is not without contradictions, and sometimes the ideological apparatuses adopt critical postures towards authority. However, for the system to function on a viable basis, it is not possible for the ideological apparatuses to distribute routinely ideas which are inimical to the established social order. Therefore, objective structural links exist between the ruling class, and the state apparatuses which complement one another.[25]

Ideology and other related thought patterns

Edward Shils presents some basic distinctions between different realms of thought which serve the same basic purpose of providing comprehensive patterns of cognitive and moral beliefs about man's situation in the social world and the universe:

Ideologies are characterized by a high degree of explicitness of formulation over a wide range of the objects with which they deal ... As compared with other patterns of belief, ideologies are relatively highly systematized or integrated around one or a few pre-eminent values, such as salvation, equality, or ethnic purity. They are more insistent on their distinctiveness from, and unconnectedness with the outlooks, creeds and other ideologies existing in the same society... they are resistent to innovations ... Their acceptance and promulgation are

accompanied by highly affective overtones. Complete individual subservien the ideology is demanded of those who accept it . . . A corporate collective fo regarded as the mode of organization of adherents appropriate for maintai discipline among those already committed and for winning over or domin others . . . *Outlooks* tend to lack one authoritative and explicit promulgation. ' are pluralistic in their internal structure and are not systematically integr Lacking an authoritative promulgation, outlooks are more open to the entry inclusion of elements from other outlooks and alien creeds than are ideologie even creeds. Outlooks contain within themselves a variety of *creeds*, which d from each other by divergent emphasis on different elements in the outl creeds tend, therefore, to be in conflict with each other on particular issues, w in many respects they accept the prevailing encompassing outlook of the societ which they exist. The vagueness and diffuseness of outlooks and—to a extent—creeds are paralleled by the unevenness of the pressure for tl observance in action. They are also less demanding of consensus among tl bearers than ideologies are.[26]

Shils also identifies *systems and movements of thought* which elaborate and internally integrated but do not demand like ideologies tc adherence. Examples being existentialism, Hegelian idealism, etc. *programme* is the specification of a particular limited objective in outlook, creed or movement of thought.

Ideology seeks to transform society totally along unadulterated sacr lines, while outlooks are inclined towards gradual change within t prevailing value system. But howsoever insistent an ideology may about its unconnectedness with contemporaneous outlooks and creeds, nevertheless shares many basic moral and cognitive affinities with ther since they all originate within the same ongoing culture.[27]

Ideologies are always concerned with authority and therefore the cannot help being political, except in cases of complete withdrawal fro society. Outlooks prevail among the incumbents of the central institution in society while ideology, which seeks total change, arises amongst thos sectors of society which reject the prevailing outlook. An ideologica primary group often acts as the bearer of an ideology.[28]

Since an ideology arises within a shared cultural tradition and is both reaction and a variant of the prevailing outlook and its subsidiary creeds 'An intellectualized religion provides the ideal precondition for the emergence of ideology . . .'[29] Shils believes that secularization has no fundamentally changed the situation in the West, on the contrary, the growth of politics have widened receptivity to ideological beliefs. Therefore the spread of Western ideas and political forms to Asia and Africa has involved, among many other things, the diffusion of a culture full of ideological potentiality.[30]

However, ideologies are subject to dissipation and change due to a pressure of various factors. Divergent interpretations occur over inconsistencies and ambiguities which exist in all ideologies, despite their

n to absolute consistency and lack of contradictions. External factors contribute to eroding the sharply defined borders of the primary ıps. The external world does not fit easily to the requirements of an ›logy, and total transformation which is sought by all ideologies is er realized. Under such circumstances: 'ideologies sometimes dissolve) creeds and programs or fall away into systems of thought. Quite quently some elements of the ideology turn into accentuated and ensified forms of certain features of the prevailing outlook or creeds ich had previously existed in a blurred and unemphasized state.'[31]

About the functions of ideology Shils notes that it helps motivate ople to action. Some people are by temperament or culture ideologi-ıly predisposed. Such persons are present in every society. If such a oup comes to power, the ideology it imposes over society inevitably cludes elements from the outlooks and creeds it replaced. Thus over ne pure ideology is diluted. In case such a group does not come to power ıt endures for a substantial period of time, its ideas impinge upon the wareness of the prevailing outlook.[32]

Commenting on the end-of-ideology school, Shils asserts that it referred) the specific conditions of the 1950s in the West, when the defeat of ascism, and the failure of Marxist ideology, led social scientists to believe nat ideology could not emerge again in a rational, peaceful environment. 'hey could not have meant that under no circumstance could ideology emerge again in the West. As long as there are outlooks and creeds, deologies will arise from amongst them whenever serious crises occur. And, as long as there is a discrepancy between the ideal and the actual, a trong impetus for ideology will exist.[33]

Application of Shils' ideas in this study

Shils' views on ideology and related thought patterns are illuminating. The various distinctions that he draws between them can be useful for classifying them separately, although they all serve the same basic purpose of furnishing individuals and collectivities with cognitive and moral beliefs. Shils is aware of the fact that ideologies, outlooks, creeds, etc., all stem from the same basic root: the historically-evolved ongoing culture. Further, these various thought patterns do not operate in solation from one another, but rather, in practice they interact. As a esult, elements of one realm of thought enter into another. This is true oth of ideologies which are tightly formulated and reject assimilation, nd outlooks which are disposed to adaptation to the real world, and hereby, open to stimuli from alternative ideas.

In this investigation Shils' approach is used only in the last chapter ntitled *Conclusion* to help facilitate the final analysis of the ideological ontroversy in Pakistan.

Analysis of the discussion on ideology

The above discussion brings out in full relief the various connotations and implications surrounding the concept of ideology. That it is an important concept in political analysis is patently clear. We shall briefly consider some aspects of ideology.

Ideology is a ubiquitous phenomenon which pervades the whole body fabric of society. The problem of the 'right and proper beliefs', values, and forms of behaviour and organization, affects all societal structures. Ideology furnishes the moral basis of action.

As a frame of reference shared by a group of people, an ideology evolves along with the historical experience of the people. The different units of socialization such as the family, religious sect, educational institutions, political parties, etc., are themselves the product of the historical process. They change in their composition and form along with the larger changes going on in society. An ideology, therefore, gains acceptance to the extent it reflects the real or felt needs and aspirations of the people. An ideology exercising an absolute hold over men, without regard to their real or felt needs, is almost an impossibility.

As a stable belief system an ideology includes a 'rational structure' purported to mould people's opinions in the 'right direction'. It may be a detailed blueprint of the good society or a diffused notion about democratic beliefs and practices (an outlook in Shils' terms), but in order to serve as a guide to action it must possess boundaries. A problem with Shils' distinction between ideology and outlook is that he narrows the former to a closed system with well-defined boundaries while the limits to the openness of the latter are not discussed. Obviously no thought pattern which serves as a cognitive and moral belief system can be so loose as to admit all sorts of contradictory elements within itself without dissolving at some stage into a meaningless chaos. The types of attitude created by an ideology and an outlook are taken by Shils to define their discrete intrinsic properties. But before attitudes towards phenomena can be formed there is the need to cognize and identify them. In this sense both 'ideology' and 'outlook' serve the same basic task: of providing a cognitive and moral belief system to individuals and groups. Moreover, Shils is aware of the fact that elements within an outlook or creed can assume the shape of a distinct ideology. This is one way of saying that any outlook, or some of its elements, can become ideological. Therefore, in this investigation, the concept of ideology includes all variants of cognitive and moral belief systems which possess a rational structure that defines their boundaries.

Ideology deals with the essential question of legitimacy. David Easton looks upon this as an integral function necessary for system maintenance.

The Marxism-influenced perspective views this task of ideology as a distortion of reality. An ideology distributes beliefs and values which legitimate certain social conditions. The political system produces and reproduces a stable set of social relations: a social order. In this, both, the use or the threat of use of the coercive power of the state, and submission to the system through ideological persuasion, are employed.

One can say that the most prominent characteristic of ideology is its use as an ethical frame of reference that guides political action. Even non-political ideologies can assume political relevance in that they function within society. The modern state impinges upon almost all spheres of social life, therefore, even non-political ideologies can be politicized through such contact with the political system.

A definition of ideology

On the basis of the discussion above, we can define ideology thus: An Ideology is a set of beliefs, values, norms, symbols, goals and practices incorporated into generalized formulations about a Good Society. These generalized formulations encompass salient, desirable, social, economic and political relationships. This cognitive structure lends direction to moral reflection and activities concerned with tangible societal goals.

The uses of ideology

In the light of the definition proffered above, we can enumerate the main tasks or uses of ideology:

(1) As a belief system, ideology provides a *Cognitive Structure*. Collectivities can relate their experiences against an easy frame of reference and understand the complexities of societal phenomena. It is a lens through which they focus the world around them. In its simplest form, ideology helps categorize society into a 'We–They' dichotomy. This is the identification function of ideology.

(2) Ideology furnishes a *Prescriptive Formula* which includes a set of goals and practices required for preserving or attaining the good society. This gives direction to political action of individuals and groups. The prescriptive aspect of ideology refers to the mobilization task of ideology.

(3) Ideology performs also an *Evaluative Task*. The behaviour and performance of actors can be examined critically against the ethical standards set by an ideology. It is an instrument with which modes of thought are appraised and analysed. Thus the righteousness of both thought and action is determined with the help of ideology. The problem of righteousness pertains to the legitimation task of ideology.

Approach

In Pakistan stable political institutions, such as political parties, legislatures and civil government, did not develop and the country has been under military dictatorships of different types for the greater part of its chequered history. Therefore, the usual public sources for deriving the prevalent political and ideological ideas in a given society such as parliamentary debates, speeches of authoritative spokesmen for the central state institutions and the publications of political parties are rather poor sources for obtaining an in depth insight into the diverse views appertaining to the concept of an Islamic state. Indeed a little journey through the ideological maze in Pakistan confirms that a plethora of conflicting views have been held there about the nature and propriety of an Islamic state. For example, the father of the nation, Mohamed Ali Jinnah, spoke in favour of a secular democratic system. His successor, Liaquat Ali Khan declared that Pakistan will be an 'Islamic democracy'. The military strongman General Ayub Khan preferred the presidential system based on indirect elections, asserting that it corresponded to the Islamic ideal of a strong caliph. Zulfikar Ali Bhutto introduced the idea of Islamic socialism based on three major slogans: Islam is our faith; Democracy is our politics; Socialism is our economics. General Muhammad Zia-ul-Haq is inclined more towards fundamentalist ideas and wishes to establish a true Islamic state based on divine injunctions.[34] The debates in the national parliament are also indicative of great diversity of opinion on this central theme. Already in the first discussion on the constitution in March 1949, three distinct clusters of opinions prevailed amongst the ruling Muslim League party. A majority of members led by the Prime Minister, Liaquat Ali Khan, articulated an Islamic variant of liberal democracy.[35] A couple of his party-colleagues supported the idea of a doctrinal Islamic state.[36] A socialist-minded Muslim Leaguer derided the idea of mixing Islam with politics, urging the government to take concrete egalitarian steps to tackle the problem of poverty in the country.[37] Since then, this scenario has been repeated many times in the national assembly, whenever it has existed.

In this study, therefore, the various standpoints on the Islamic state are derived from the statements of thought groups or the published works of authors who have held, or continue to hold, some prominent position in Pakistani society. These specimens of ideology seem to present in depth intellectual endeavours to comment and theorize on the concept of an Islamic state. The selection of these specimens has been eased by earlier research. However, some works that have been overlooked or not translated into English previously are also included. These have been brought to my attention by Pakistani scholars and intellectuals.

The structure and context of the ideological controversy

The discussion on the Islamic state has been articulated in terms of a state under the sovereignty of God versus a state in which the people are sovereign. A theocracy, according to Josephus who coined this term, is a state in which the ultimate sovereign is God.[38] A secular-democratic state rejects the idea of divine sovereignty and law is based on popular will. The debate in Pakistan may therefore be described as a controversy over a theocratic versus a secular-democratic state. These two diametrically opposite views of the state are therefore assumed to be the polar extremes of a logical continuum. Between these two opposite extremes can be placed all other intermediary positions, which are disposed to accommodating elements from these extremes into new formulas. The intermediary positions are placed in the order in which they move from the divinely-ordained end of the continuum to the secular pole. Such a continuum seems to present the broadest scale possible to accommodate the immensely variegated interpretations of the relationship between Islam and politics which have surfaced in Pakistan since independence.

The controversy over the Islamic state is articulated in the context of the process of modernization which is inevitably transforming all sectors of Pakistani society along new lines and opening new vistas, thereby challenging the traditional rhythm of society. This transformation seems to impinge upon the thought of all the contributors to the discussion on the Islamic state, who invariably formulate their arguments in the context of the challenge posed by modernization. The question of democracy is part of the overall concern with modernization.

Now, while a commitment to modernization is reiterated in the routine declarations of developing societies, including of course Pakistan, it is not at all an easy course to pursue. There are several hindrances which thwart the process of modernization, frustrating the planning of the ablest modernizers in the Third World. These could be both objective and subjective, external and internal, obstacles.[39] In its most basic sense modernization is an economic objective which refers to the creation of an industrial base of some significance.[40] Obviously this requires the expansion and dissemination of modern skills and education, which are of secular nature essentially and therefore not dependent on religious wisdom in any meaningful sense. Socially, modernization refers to urbanization and inevitably to the secularization of culture, education and intellectual currents.[41] Politically, modernization in the Western tradition includes notions of universal adult franchise, rule of law based on universalistic legal norms, rational rule-making, freedom of conscience, etc.[42]

Now, since modern scientific and technological knowledge originated in the West, developing countries are dependent upon some Western, or in some cases, upon the communist bloc, for acquiring it. Partly the rudiments of a modern society exist in Third World countries as a legacy of the colonial period. Obviously some sections of the public are opposed to further imitation of such a society which symbolizes the humiliation of the nation. Therefore rejection of modernization can be motivated on seemingly patriotic grounds. On the other hand, even an apparently committed modernizing elite may be reluctant to allow modernization to proceed beyond a limit which threatens its privileged position. Further, the international economic system is heavily tilted in favour of the industrialized West. This imposes severe restraints on the modernization and development processes in the developing countries. All this renders what is in essence an economic objective increasingly political, and thus ideological, since modernization does not remain a matter of economic planning but a process destined to envelop the whole belief and value system of society.[43] Often, modernization benefits only a small part of the total population, and this accentuates the sense of deprivation already present in society. Further, the logic of modernization can be used by radical reformers and revolutionaries to criticize the modern elite for its ineffectivity in bringing about substantial changes that benefit the poor.

In short, modernization, even when it is sought by all developing countries, is a process which affects too many interests. That it sparks off great ideational fervour which assumes diverse ideological forms is obvious. Under these circumstances the role of the state in leading and giving direction to society assumes vastly greater centrality than was ever the case with traditional society. It assumes an instrumentalist role in promoting economic development and welfare. In this period of transition, when the direction of change may not be acceptable or even comprehensible to the different classes and strata in society, a discussion on the concept of an Islamic state is essentially a discussion on the role of the state in providing the proper ideological framework for society to address itself to modernization. Almost all ferment in society is associated with the intervention by the state.

Therefore, an analysis of the discussion on the concept of an Islamic state seems to be a promising way to capture the whole panorama of change and continuity sought through the intervention of the state. The continuum devised for the present investigation facilitates considerably the location of diverse responses to the process of change going on in Pakistan. Logically there can be only two extreme responses: one, that rejects all connexion with the 'alien' non-Muslim world, in other words, with all modernity and the modern world; and two, a case for a rather

drastic severance with indigenous tradition and history with a plea to adapt to the realities of the objectively existing conditions. In between are the various intermediate positions.

Modes of reasoning and selection of texts

As has been pointed out in previous research (see chapter 1, under *Existing Studies*), four main modes of reasoning obtain in Pakistan on the concept of an Islamic state: traditionalist, fundamentalist, modernist Muslim, and secular. After going through almost all the literature on this subject in English and Urdu, nine positions were selected to illustrate the four modes of reasoning and their variants. Besides being works of theoretical significance, they can be assumed to reflect in large measure the wide range of relevant ideas that have been expressed in Pakistan on the concept of an Islamic state. However, as several scholars point out (see chapter 1, under *Existing Studies*), there are innumerable variations of the Islamic state, therefore from a rational point of view, the aim of this inquiry could not be to analyse each and every possible variant or version of the Islamic state, but only such specimens which illustrate the full spectrum of the debate. The continuum provides the scale for capturing the whole spectrum, and the specimens placed along it, hopefully, illustrate the salient positions on the Islamic state.

However, an important departure is made from previous studies in terms of describing the position of the traditionalists. Normally the term traditionalist is applied to the *ulama* who have received formal theological training and are associated with particular sub-sects.[44] This description is quite valid if the aim is to report the activities or opinions of a recognized specific, though internally diverse, Muslim group. But as such, the *ulama* have not developed any discrete theory of the Islamic state. Rather, they own and uphold uncritically the whole corpus of theological, political, and legal rulings of the earlier generations of Muslims. They are therefore the defenders of the historically formed Muslim political identity, undefiled by European domination during the colonial era. They treat all modernist innovations as un-Islamic accretions. In recent years this position has found support among influential laymen also. It has therefore been decided to describe this position in terms of an ideological response, rather than by its linkage to specific Muslim structures.

All the nine positions examined in this inquiry are derived from written material in English and Pakistan's national language, Urdu. Except for the first position, which is illustrated by two documents of legal nature, the other eight are derived from books. The nine positions are grouped into four modes of reasoning. The first three modes of reasoning differ

considerably in terms of the scope which they provide for divine will to regulate the affairs of a Muslim polity. However, they all acknowledge the supremacy of divine injunctions in some applied politico-legal sense which binds the state. The implication which follows from such an approach is that the state is bound in some unalterable sense to the dictates of the divine law. The fourth mode of reasoning is essentially a secular point of view which proposes a complete separation between the spiritual and temporal realms.

The four modes of reasoning are:

The sacred state excluding human will.
The sacred state admitting human will.
The secular state admitting divine will.
The secular state excluding divine will.

The sacred state excluding human will

This mode of reasoning assumes that God has not left the matter of worldly life to the discretion of human beings, but has prescribed a clearly defined path, with detailed instructions about how to tread along it. Human beings acquit their worldly duties by conforming to this path, and as a result, secure their salvation in the hereafter. Any attempt to tamper with divine instructions constitutes an act of sacrilege. The Islamic state exists to enforce the divine law, and to suppress all violations.

Two variants of this mode of reasoning are included in this study:

(1) *The absolutist position seeking revival of traditional Islam* This position assumes that no area of human life has been left vacant by God's commands. The recognized doctors of Islamic law have perfected procedures to derive instructions for each and every specific situation from the authoritative sacred sources. Therefore, there is no scope for man-made law in Islam.

The absolutist position reflects the beliefs and values diffused among various types of purist Muslims, especially the *ulama*. The absolutists are an important political group in all Muslim countries, who are almost invariably involved in political and ideological conflicts with the modernists.[45] It is, therefore, exceedingly important to analyse their position. In Pakistan, as elsewhere, the absolutist standpoint refers to the rejection of any reform of traditional beliefs. The absolutists have not developed a distinct theory of the state in the modern era, but profess loyalty to orthodox theory of the classical Abbasid period. Two documents are included in this investigation, which together illustrate the absolutist view of the state.

The first document is the Report of a Court of Inquiry, which was set up in 1954 to enquire into the religious riots against the Ahmadiyya sect. The report prepared by two judges of the Punjab High Court examines critically the *ulamas'* view of an Islamic state. Here, we are including a brief summary of the *ulamas'* political beliefs. The standpoint of the fundamentalist ideologue, Maududi, is treated separately. The report, known popularly as the Munir Report after the name of Justice Muhammad Munir, the senior member of the Court of Inquiry, is considered a landmark in Pakistan's legal and constitutional history. However, it was accused of political bias by the fundamentalists and some modernist Muslims. A critical study of the report released by the fundamentalist Jamaat-i-Islami, alleged that the learned scholars of Islam had not been given the proper opportunity to expound the nature of an Islamic state and of Islamic law. The system of direct questions adopted by the court, was considered defective. Such a procedure, it was asserted, did not give the *ulama* an opportunity to give properly considered answers to the Court's questions about Islamic political theory.[46] But, despite such criticism it has not been alleged that the Munir Report has misreported whatever was said in the court. Therefore, in the absence of a better alternative, we have included the views of the *ulama* as recorded by the Court in our analysis. The Court's own critical observations, however, have been ignored.

The second specimen is a writ petition filed in the Punjab High Court in 1976, by an organization calling itself the *Tanzim Islah-i-Pakistan* (Organization for the Reform of Pakistan). The leader of the petitioners was Badi-uz-Zaman Kaikaus, a former judge of Pakistan's highest legal body, the Supreme Court. The petition, filed against the President of Pakistan, the Prime Minister, Chairman of the Senate, the Speaker of the National Assembly, and several ministers and members of the central and Punjab governments, was to the effect that the whole structure of government constituted through adult suffrage was repugnant to Islam. Therefore, the government of Zulfikar Ali Bhutto and his party, which was based on secular principles, enjoyed no legal and constitutional validity according to Islam. The Court was asked to assume authority in the name of Islam, and to rid Pakistan of an infidel government. The writ was dismissed by the Court. The petition, however, contains a description of the principles on which it believes a true Islamic state should be based.

These two documents augment each other, and together furnish a fairly coherent view of the absolutist position.

(2) *The fundamentalist position seeking revival of the ideal Islamic state* As against the unflinching traditionalism of the absolutists, fundamentalism is an ahistorical, or rather, selectively historical, approach to Islam and the Islamic state. Instead of seeking the revival of traditional

Islam in its entirety, the emphasis is on going back to the fundamentals laid down in the Quran and *Sunna*, and the praxis of the Mediniese state.

However, the chief exponent of fundamentalism in Pakistan, Abul Ala Maududi (1903–79), does not separate Islam from tradition altogether. Rather, to a basically conservative position on Islam, is added flexibility, enabling him to effect necessary adjustments which do not alter the basic system of Islamic beliefs as preserved in tradition. In this, Maududi is not always consistent.

Maududi, who was born in a traditional middle-class family in Aurangabad (Deccan), was largely a self-educated scholar who had not received any formal theological training in a seminary. He started his professional life as a journalist in the late 1920s and quite early distinguished himself as a skilful essayist on Islam. His ideas brought him into the limelight and the most well-known Muslim intellectual of the times, Allama Iqbal, encouraged him to devote himself to the cause of Islam more completely. Maududi moved to Pathankot in the Punjab where he founded the Jamaat-i-Islami in 1941. He opposed both the Congress and the Muslim League. The latter's ideology of Muslim nationalism was denounced by Maududi as un-Islamic and the idea of Pakistan was attacked in Jamaat publications as illegitimate.[47]

In 1947, however, when Pakistan came into being, Maududi migrated to Pakistan and set up his headquarters in Lahore. He spearheaded the struggle in Pakistan for making it a true Islamic state. At the time of his death in 1979, the Jamaat-i-Islami was acting as the mentor of the regime of General Zia-ul-Haq. This relationship has continued after Maududi's death. His influence as the ideologue of a doctrinal Islamic state is immense. He is considered one of the ablest theoreticians of the Islamic state in the whole Muslim world (see Chapter 1, under *Existing Studies*).

Maududi wrote over a course of half a century. Here, his most important ideas are obtained from a number of his well-known publications. On mainly political questions his ideas are derived from the following books: *The Islamic Law and Constitution* (English), *Islami Rayasat* (the slightly more extensive Urdu version of *The Islamic Law and Constitution*), *Khilafat-o-Malukiat* (exposition of the theory of Democratic Caliphate in Urdu), and the two volumes on the Freedom Struggle, *Tehrik-i-Azadi-i-Hind Aur Musalman* (Urdu). On economic questions: *Muashiat-i-Islam* (The Economics of Islam, in Urdu), and the book in English, *Capitalism, Socialism and Islam*. On the question of women: from the book *Purdah* (The Veil, in Urdu), and Maududi's reply to the Questionnaire issued in 1955 by the government-appointed Commission on Marriage and Family Laws, contained in the book, *Studies in the Family Law of Islam*, edited by Khurshid Ahmad. On general and specific social, economic, political, cultural, theological, epistemological, scientific etc., issues: from the five

volumes in Urdu, in the form of Questions and Answers of *Rasail-o-Masail* (Urdu). These five volumes give a deep insight into Maududi's thinking on almost the whole range of societal life. His book *Al Jihad Fi al-Islam* (Urdu) is an exposition of the doctrine of *Jihad* (Holy War). The article *Murtad Ki Saza* (Urdu) and the English booklet *Human Rights in Islam* bring out his inconsistent position on the question of freedom of conscience. These various books form the primary sources for deriving Maududi's ideology of the Islamic state.

The sacred state admitting human will

This mode of reasoning is based on the assumption that Islam sanctions a distinct type of state which is neither wholly theocratic nor completely secular. Rather, it is an ideal balance between divine restrictions and human freedom. This way of reasoning is essentially an apology for the recognition of certain traditional Islamic beliefs about political power by a modern polity which upholds simultaneously values such as democracy, representative government, the right to vote, etc. The incongruency resulting from such a standpoint typifies the predicament of the modernists. This type of reasoning has prevailed in the official constitutional documents prepared by largely modernist Muslims. Great variety of ideas is found in this trend. Hence, four variants are included in the study.

(1) *The theocratic position seeking adjustment with modernism* Muhammad Asad, formerly Leopold Weiss of Austria, who converted to Islam when anti-semitism was on the rise in his land of birth, served as the Director of Islamic Reconstruction in the Punjab Government during the early years after independence. He presented his ideas on the Islamic state in his book *Principles of State and Government in Islam*.

Asad, while arguing for the religious basis of the state, and the supremacy of Quranic law and *Sunna*, provides scope for free human legislation in vast areas left vacant by the Quran and *Sunna*. Further, his Islamic state is assigned several welfare functions on modernist lines. While remaining steadfast to fundamental orthodox assumptions about political power, he seems prepared to adjust and adapt to the realities of the modern world in a spirit of compromise.

(2) *The theocratic position seeking severance with tradition* The proponent of this position is the controversial thinker Ghulam Ahmad Perwez (1903–85), a former senior civil servant. According to one scholar of Muslim modernism, Perwez is the second most important thinker after Maududi on Islam in Pakistan.[48] Although nurturing a vision of the Islamic state as all-embracing as Maududi's, Perwez is his antithesis in

many ways. He is an arch modernist who seeks divine justice on this earth. Developing a novel exegetic terminology, Perwez dissociates himself from all established interpretations of Islam.

However, Perwez seems to have a stable following among the urban intelligentsia. Until his death in 1985, he delivered lectures every week on Islamic teachings at Lahore. He headed an organization, and his *Tule-e-Islam Centre* published regularly his books and articles. His works are distributed all over Pakistan and among overseas Pakistanis. Here, his ideas on the Islamic state are derived from his main theoretical work in English, *Islam: A Challenge to Religion* and several pamphlets in Urdu.

(3) *Cohabitation between theocracy and secularism: the moderate version* The Late Khalifa Abdul Hakim (d. 1959) served as the Director of the Institute of Islamic Culture in Lahore. As the Member-Secretary of the Commission set up by the Government of Pakistan on Muslim Marriage and Family Laws, Hakim was responsible for recommending several modernist reforms which made polygamy difficult, and recognized the inheritance rights of the children of a predeceased son in the property of the grandfather. These measures were in direct contradiction to the corresponding traditional Islamic law. The government accepted these recommendations but the *ulama* and the fundamentalist Jamaat-i-Islami criticized bitterly these innovations.[49]

Hakim, while making strange concessions to Islamic dogma and traditional suspicions of democracy, goes on to describe his Islamic state as a 'Socialist Republic'. Allah is for him, a symbol of the 'common weal', therefore an Islamic state is duty-bound to remove want and hunger, and to strive for world peace. Here, Hakim's ideas on the Islamic state are derived from his major work, *Islamic Ideology*.

(4) *Cohabitation between theocracy and secularism: the radical version* Dr Javid Iqbal, the son of the poet-philosopher Allama Iqbal, who was a prominent politician during the late 1960s and early 1970s, and is currently the Chief Justice of the Punjab High Court, has argued his case for an Islamic state based on several familiar principles of Western liberal democracy, in his book *Ideology of Pakistan*.

This position, while reiterating the dogmatic assumption that Allah is the Sovereign Lord in a Muslim polity, recognizes the originality of the secular sphere. This is done, however, apologetically and through somewhat awkward theorizing. The Islamic state, while upholding the sovereignty of God, grants considerable latitude to an elected Muslim assembly to interpret, apply and withhold the revealed law, and to exercise its own legislative rights in vast areas left vacant by God. This position typifies the thinking of Muslim modernists whose adherence to

the established theological and jurisprudential method of reasoning is eclectic, and who make quite free use of rational arguments to justify modernist reforms within Muslim society. Such an approach, however, is often contradictory and incongruent.

The secular state admitting divine will

The Fontana Dictionary of Modern Thought makes the following remarks on secularism:

At its minimum, secularization means the decline of the prestige and power of religious teachers. It involves the ending of State support for religious bodies; of religious teaching in the national schools; of religious tests for public office or civil rights; of legislative protection for religious doctrines (e.g. the prohibition of contraception); and of the censorship or control of literature, science, and other intellectual activities in order to safeguard religion. Individuals are then free to deviate openly from religious DOGMAS and ETHICS.[50]

In the context of Pakistan, which was created on the basis of religious appeals, the plea for a secular basis of the polity is generally regarded with suspicion since it seems to contradict the *raison d'être* of the state. An apologetic version of secularism exists however, which asserts that Islam has not sanctioned any particular concept of the state. However, the Islamic principles of social justice, equity, tolerance and freedom are of an eternal nature and have to be applied by all good Muslim states. The applicability of some traditional Islamic laws to a Muslim polity is also implied. This mode of reasoning is a continuation of the modernist apology, but, in an important qualitative sense, it differs from the established second trend in that its proponents deny that Islam has provided any particular concept of the state. This is a categorical recognition of the separation of the religious and profane aspects of human existence. It is indicative of the crisis of Muslim modernism, which abandons the widespread belief that in Islam the religious and temporal spheres are linked inextricably.

(1) *The liberal version seeking continuity with the political spirit of Islam* S. M. Zafar, a former central law minister, leading lawyer, Secretary-General of the defunct Muslim League (Pagara Group) and Head of the Pakistan Human Rights Organization, has put forth the idea that parliamentary democracy is the best fulfilment of the Muslim political tradition in his book *Awam, Parliament, Islam* (People, Parliament, Islam).

He argues that there are no instructions in the Quran or in the standard sayings of the Prophet about how to organize the political affairs of the community. However, the examples of the early generations of Muslims

indicate an inclination towards consultative democracy. Therefore, to create a modern parliamentary democratic state would be a sublimination of the initial political spirit unleashed by Islam. I met Zafar in 1982 in Lahore. Here, all his ideas on the subject of the Islamic state are derived from his book mentioned above.

(2) *The socialist version seeking continuity with the economic spirit of Islam* Professor Muhammad Usman, who has been a leading light among modernist Muslims, and champions the idea of Islamic socialism holds the view that there is no authoritative ruling on the state and politics in the Quran, or the *Sunna*. Therefore the question of the appropriate political framework for a Muslim polity should be decided on the basis of the best system available, anywhere in the world, which conforms to the Islamic philosophy of life. A state of Muslims is expected to follow the best 'values of the times' which bring about social and economic improvement of the people. Taking his cue from the austere and frugal lives of the Prophet and his pious successors, Usman asserts that Islamic socialism based on Western social-democracy is the best system prevailing today for creating an egalitarian society which perpetuates the Islamic spirit of social justice.

In the Urdu literary magazine *Nusrat* of Sept.–Oct. 1966, a national discussion on Islamic socialism was ventilated in which the proponents and opponents of such a theory presented well-reasoned articles.[51] Among them was Usman's article *Quran Ka Ishtiraki Raujhan* (The Socialist Inclination of the Quran). This important theoretical article, along with a defence of Islamic socialism and modernism, appears in his book *Islam Pakistan Mein* (Islam in Pakistan). I have obtained his ideas from this book.

Islamic socialism became popular during Bhutto's radical movement which swept West Pakistan during the late 1960s. Bhutto's party produced several popular tracts on this idea. However, these were of a propaganda nature. Usman attempts to justify Islamic socialism on a well-reasoned interpretation of Islam. He frees the state almost completely from religious dictates, asserting that this freedom granted to Muslims remains, however, a test of their faith in Islam, which requires them to strive for social justice and progressive change. Thus arguing, Usman connects his secular state to the ultimate design approved by God for the good of all humanity.

The secular state excluding divine will

The most well-known exponent of the purely secular state in Pakistan is the late Muhammad Munir (d. 1981), a former Chief Justice of the Pakistan Supreme Court. As the senior author of the Munir Report on the

anti-Ahmadiyya riots of 1953, he warned against the emergence of a doctrinal Islamic state which, he believed, would be detrimental to the well-being of the people of Pakistan, and decried vehemently the tendency of the modernist politicians to use the *ulama* and their dogmatic arguments, for their own selfish political ambitions.[52]

(1) *The modern secular state based on sound reason* In 1979, Munir once again took up cudgels on behalf of the secular state unfettered by Islamic dogma in his book, *From Jinnah to Zia*. He argues that any attempt to resurrect an Islamic state would be a vain effort to revive a bygone era. Today it would lead to bigotry and paralytic theocracy suppressing all free inquiry and intellectual freedom. Pakistan should, instead, be converted into a modern secular state based on the rational aspirations of the people.

The structure of the comparative analysis

It must be pointed out here, that the different positions are not always presented by their authors in well-formulated, or logically elegant expositions. Part of the task in this research has been to give structure to these 'theories'. This task has been undertaken with the help of a Three-Step Method of Qualitative Content Analysis. Hopefully this has obviated interpolation and distortion of the thought contents.

During Step One, a descriptive summary of every position is given. This summary is subsumed under five content categories which have been constructed on the basis of the main ideas expressed on the Islamic state. These categories follow in an order which brings out the logic of a line of reasoning in a coherent manner. This facilitates systematic analysis since the contents of the different specimens can be classified separately and yet the thread of reasoning is not broken. The *Weltanschuung* (philosophical system or world-view) underlying a position is captured with the help of these categories. After a description of each position, a short analysis is attempted with a view to get a clear picture of how a particular standpoint relates the Islamic state to democracy, socio-economic change and the general impact of modernization. Although not all the contributors develop their argument in equal detail, these five categories preclude the possibility of anything relevant being omitted.

At Step Two, a systematic analysis of different important themes, identified during Step One, is undertaken. These themes have a direct bearing on the relationship between Islam and Democracy.

During Step Three, which forms the conclusion, the analysis concentrates on three subjects: the concept of an Islamic state as a political ideology, Islam and democracy, and the concept of an Islamic state in Pakistani politics.

Analysis at step one

The different positions are described and analysed with the help of the following categories:

(1) *Relationship between Islam and the state* This refers to the basic assumptions—the theoretical premises—from which a certain position emanates. Does a concept of an Islamic state exist in Islam? If so, what does this assumption imply for a given community of Muslims? This brings out the basic assumptions on which each position rests.

(2) *Purpose of the creation of Pakistan* Since Pakistan was created on a confessional basis, different inferences have been drawn from this fact. The way the origin of Pakistan is explained in the different positions has important bearings on the way its purpose is understood for the present and the future.

(3) *The political structure* The question of a legitimate structure of authority—how it is derived, and from where—and a consideration of the ways and means necessary for making it function, are the central issues discussed in all the positions. Also included in the discussions are questions of the rights and duties of the inhabitants in a Muslim polity. The conflict between traditional Islamic notions of government and modern democracy is captured with this category. All the contributors express their opinion on these issues.

(4) *The economic system* The discussion on the Islamic state contains invariably views on economic justice and the economic framework within which this justice is sought. Should the state allow the free interplay of market forces, or should it be obligated to promote economic equality through participation in the economic process? Also discussed are questions about private property and the authority of the state to alter it. Considerable differences of opinion obtains on these economic issues. These are subsumed under this category.

(5) *The social milieu* All the contributors relate the Islamic state to the social surroundings in which it is to prosper. In this connexion, the role of the state in promoting a suitable social milieu which harmonizes with the moral and material requirements of a Muslim polity is discussed. The problem of the clash between traditional and modern values is a serious one in Pakistan and different solutions are offered to solve it by the contributors. With this category we can get a more complete picture of the good society idealized by them.

Analysis at step two

A thematic analysis follows at this stage. These themes identified during Step One are:

Political themes Legitimacy, form of government, law, categories of citizens, political parties, freedom of conscience and belief, and the relations with the non-Muslim world.

Economic themes The status of private property and the economic basis of the welfare state.

Social themes The position of women and the position of science and art.

Analysis at step three

In the final chapter, Conclusion, the analysis is pursued under three subjects. These subjects are: the concept of an Islamic state as a political ideology; Islam and democracy; and the concept of an Islamic state in Pakistani politics.

Notes

1. Paul A. Sigmund (ed.), *The Ideologies of the Developing Nations* (New York: Praeger Publishers, 1973), pp. 3–5.
2. Ibid., p. 12, pp. 39–40. See also Maxime Rodinson, *Marxism and the Muslim World* (London: Zød Press, 1979), pp. 142–62.
3. Gunnar Myrdal, *Asian Drama: An Inquiry into the Poverty of Nations* (hereafter referred to as *Asian Drama, Vol. 1*) (New York: Pantheon, 1968). See the chapter 'Political Problems', especially pp. 257–360.
4. Donald Eugene Smith, *Religion, Politics, and Social Change in the Third World* (New York: The Free Press, 1971), pp. 4–8.
5. Ibid., pp. 71–5.
6. Kalim Bahadur, *The Jamaat-i-Islami of Pakistan* (Lahore: Progressive Books, 1978), p. 123.
7. Safdar Mahmood, *Constitutional Foundations of Pakistan* (Lahore: Publishers United Ltd., 1975), see 'the Legal Framework Order, 1970', p. 629.
8. Ibid.
9. Richard Cox (ed.), *Ideology, Politics and Political Theory* (Belmont, 1969), p. 11.
10. Ibid., p. 14.
11. Ibid., pp. 115–16.
12. For a detailed study of the arguments of the end-of-ideology school see Daniel Bell, *The End of Ideology* (Illinois: The Free Press of Glencoe), pp. 369–75.
13. David Easton, *A System Analysis of Political Life* (New York: John Wiley and Sons, 1965), pp. 278–90.

14. Gabriel Almond, *Appeals of Communism* (Princeton: Princeton University, 1958), p. 8.
15. David Apter, *The Politics of Modernization* (Chicago: University of Chicago Press, 1967), p. 314.
16. Ibid., p. 342.
17. Paul Sigmund, op. cit., p. 3.
18. Ibid., pp. 156–69.
19. Ibid., p. 42.
20. Karl Mannheim, *Ideology and Utopia* (London: Routledge and Kegan Paul Ltd., 1968), pp. 175–6.
21. Ibid., pp. 175–7.
22. Ibid., p. 69.
23. Marx & Engels, *Collected Works Volume 5* (Moscow: Progress Publishers, 1976), p. 59.
24. Antonio Gramsci, *Selections From the Prison Notebooks* (London: Lawrence and Wishart, 1976), pp. 210–12.
25. Louis Althusser, *Lenin and Philosophy* (New York: Monthly Review Press, 1971), see the essay 'Ideology and Ideological Apparatuses' pp. 127–86.
26. *International Encyclopedia of the Social Sciences Volume 7* (hereafter referred to as *International Encyclopedia Volume No.*) (Macmillan and Free Press, 1968), see 'Ideology' by Edward Shils, p. 66.
27. Ibid., pp. 67–8.
28. Ibid., pp. 69–70.
29. Ibid., p. 69.
30. Ibid.
31. Ibid., p. 71.
32. Ibid., pp. 72–3.
33. Ibid., p. 75.
34. For a brief account of Pakistan's political and constitutional history see chapter 10, under *The Concept of an Islamic State in Pakistani Politics*.
35. *The Constitutional Assembly of Pakistan Debates, Volume 5, 1949* (Government Printing Press), see pp. 1–47, 38–50, 55–77, 80–8, 95–8.
36. Ibid., pp. 43–9, 78–9.
37. Ibid., pp. 51–5.
38. Arthur Larson, C. Wilfred Jenks (eds), *Sovereignty Within the Law* (New York: Oceana Publications, 1965), p. 169.
39. *International Encyclopedia Volume 10*, see 'Modernization: Political Aspects' by James S. Coleman, pp. 399–400. See also Gunnar Myrdal, op. cit., Volume 1, pp. 54–69.
40. *International Encyclopedia Volume 10*, see 'Modernization: Social Aspects' by Daniel Lerner, pp. 386–7. See also Gunnar Myrdal, op. cit., Volume 1, pp. 54–69.
41. *International Encyclopedia Volume 10*, see 'Modernization: Political Aspects' by James S. Coleman, p. 395. See also Gunnar Myrdal, op. cit., Volume 1, pp. 54–69.
42. *International Encyclopedia Volume 10*, see 'Modernization: Political Aspects' by James S. Coleman, p. 395. See also Gunnar Myrdal, op. cit., Volume 1, pp. 54–69.
43. Gunnar Myrdal, op. cit., Volume 2, pp. 709–34.
44. Aziz Ahmad, *Islamic Modernism in India and Pakistan 1857–1964* (London: Oxford University Press, 1967), pp. 103–22.

45. G. H. Jansen, *Militant Islam* (London: Pan Books, 1979), this conflict between the *ulama* and the modernists is discussed throughout the book.
46. Khurshid Ahmad (ed.), *An Analysis of the Munir Report* (Karachi: Jamaat-e-Islami Publications, 1965), pp.145–7.
47. Kalim Bahadur, *The Jamaat-i-Islami of Pakistan* (Lahore: Progressive Books, 1978), pp. 33–46.
48. Aziz Ahmad and G. E. Von Grunebaum (eds), *Muslim Self-Statement in India and Pakistan 1857–1968* (Wiesbaden, 1970), p. 167.
49. Khurshid Ahmad (ed.), *Studies in the Family Law of Islam* (Karachi: Chiragh-e-Rah Publications, 1961), see the whole report, including the criticisms of the doctrinal purists.
50. *The Fontana Dictionary of Modern Thought* (London: Fontana/Collins, 1977), p. 564.
51. *Nusrat* (Urdu) '*Islamic Socialism Number*' (Lahore: Sept.–Oct. 1966).
52. See *Report of the Court of Inquiry constituted under Punjab Act II of 1954 to enquire into the Punjab Disturbances of 1953* (hereafter referred to as *Munir Report*) (Lahore: Government Printing Press, 1954), pp. 231–5.

PART II

3 Muslim political heritage

Muhammad, the Prophet of Islam, provided leadership and guidance to his followers in both spiritual and mundane matters. As the ideal ruler of the state of Medina, he created the framework for producing both the good man and the good citizen. He claimed to be the final Messenger of God's will on earth for the good of all mankind, and not for the benefit of any particular race or people. Among his predecessors, Muhammad claimed the biblical prophets Abraham, Moses, David, Jesus and others. According to Muslim belief, God vouchsafed His will to the Prophet through revelation.

Since the source of the Prophet's knowledge about God's will is revelation, an experience beyond ordinary sense perception, human beings in general are not competent to sit in judgement on a form of knowledge beyond their faculties.[1] Thus even if philosophical reflection can lead humanity to a deeper understanding of the universe and the phenomena in it, it cannot replace revelational experience, which is a privilege only of the prophets.[2] Under all circumstances, therefore, must religious belief include unquestioning acceptance of revealed instructions.

While this brief depiction of the Islamic outlook indicates affinity between Islam and other monotheistic religions of the Middle East, its implications for the organization of Muslim society are modulated by the historical evolution of Islamic values and institutions. At the centre, of course, is the personality of the Prophet. The confluence of politics and religion in the state of Medina, with Muhammad as the ideal ruler, has given birth to the popular belief that there is no separation in Islam between the Spiritual and the Temporal.

The vast Sunni majority looks upon the first four temporal successors of the Prophet as the Rightly-Guided leaders of the Muslim community. The praxis of state under them is also considered authoritative and binding in large measure. The idea of an Islamic state is derived from diverse interpretations of the injunctions in the Quran, the recorded account of the life of the Prophet, and the conduct of the state under the pious successors. A position calling for a strict adherence to the standards and practices of the Medinese state, and a diametrically opposite stand that no concept of the state obtains in Islam, are both derived from the diverse interpretations of Islamic doctrines and Muslim history.

The recognized five articles of Islamic faith are: belief in God, in His angels, in His holy books and in the Quran as the last Book, in God's prophets and in Muhammad as the last Prophet, and in life after death. The code of conduct for the individual which follows from such faith includes five obligations: prayers, fasting, alms-giving (*zakat*), pilgrimage to Mecca if one can afford it, and *jihad*, when required.[3] As is obvious, the five articles of faith do not suggest any political commitment, but the obligations derived from them by Muslim jurists, presuppose organized communal life.

The Quran

The most authentic and authoritative source on Islamic beliefs and precepts is the Quran. To the Muslims, it is the Speech or World of Allah. It comprises verbal revelations. The system of revelations continued over a period of 22 years. The Quran consists of 114 chapters and each chapter consists of a number of verses. These verses are numbered.

The Quran is not arranged in chronological order. A number of scribes recorded the texts of the verses as they were revealed. The present book form was established during the time of the third pious caliph, Uthman.

A rough qualitative estimate of the contents of the Book (made on the basis of looking up the subject-index and appearance of that subject in different contexts) shows that the subject Allah appears most often. The Quran stresses repeatedly the majesty and overlordship of Allah.[4] The idea of the sovereignty of God is derived from such emphasis. In the modern period this sovereignty has been interpreted in political terms, having direct bearing on the ideological basis of a Muslim polity. The second major subject is the Prophet Muhammad and his divine mission.

The rest of the Quran covers multifarious subjects such as social legislation, parables, commentary on contemporaneous events, accounts of past civilizations, the nature of different phenomena, reward and punishment for individual and collective conduct, the evil role of Satan, prophecies about future events, Doomsday, life after death and many remarks on knowledge and intellectual reflection. There are instructions on how to mete out justice, to protect the rights of orphans, provide protection to women, show kindness to slaves and the poor, negotiate treaties and conduct war on enemies, etc. In fact the Quran is replete with comments on social matters, taking often a humane stand in behalf of the weak.

Recognized schools of exegesis exist which specialize in interpreting the Quran. However, sectarian and ritualistic variations have existed all along in history. Some modern scholars deviate considerably from the conventional interpretations, and interpret the Quran in the light of rational and scientific values.

The 'political theory' of the Quran

The 'political theory' in the Quran refers to a special, inimitable situation—of a Prophet-in-Authority. The status of Muhammad is *sui generis*. His pious caliphs did not invoke the property of divine revelation and remained temporal rulers of the community. The Shia Immamate Theory attributes divine qualities to the Shia Imams, thus conferring a divine authoritative status on their sayings. But all Muslims are agreed that direct revelation is to be found only in the text of the Quran.

Muhammad, in his capacity as the Prophet and ruler of Medina, was the source of legislation. Several laws and rules were revealed during his time. The Quran instructs him to seek advice in matters of government.[5] Muslims are enjoined to obey him.[6]

The structure of authority given in the Quran can be put in the following relationship: God—Prophet—Man. Disagreement exists among Muslims on the structure of authority based on the relationship: God—Man. Is such a structure political? In other words, does one become a good Muslim through the agency of the state?

To these questions the Quran does not furnish easy answers. Composed in a rhythmic style resembling modern blank verse, it makes liberal usage of symbolic and allegorical imagery. There are many cryptic and esoteric formulations, and a rich fund of allusions and indirect explanations. All this renders the task of interpretation extremely complicated. The type of message which is culled out of the Quranic texts depends largely on the cultural and intellectual framework of the interpreter. In terms of general principles of government one can point out that the Quran approves of government through consultation, the establishment of justice, and the rule of law.[7]

The economic precepts

The Quran bans usury and condemns greed. It urges strict honesty for transacting business.[8] Spending on philanthropic causes and helping the poor and needy is amply praised.[9] However, there is only one compulsory tax: *zakat*, which is mentioned directly.[10] It is to be calculated annually on property and income. The Quran has not fixed the rate at which it is to be charged, but an elaborate system was devised by Muslim jurists on this subject.[11] Its beneficiaries are the various categories of the poor and needy, including non-Muslims. Mercantile activity is approved, which implies the recognition of the right of private property. The laws of inheritance in the Quran also imply the right to own and dispose of property.[12] However, property in its various forms is deemed a trusteeship, with ultimate ownership vested in God Himself.[13]

The economic spirit of the Quran is therefore open to quite varied interpretations. A voluntaristic acceptance of these precepts appears to be more in consonance with the general tenor of the Quranic teachings. Thus, in the first place the Quran appeals repeatedly to the conscience of the individual.

The social message

The Quran urges human beings to do good and to shun evil. Husbands are instructed to treat their wives with love and care, and wives are enjoined to respect and follow their husbands.[14] However, the superiority and leading role of men is upheld by the Quran.[15] The institution of slavery is not banned, but the humane treatment of slaves is emphasized.[16] Racial pride and tribalism are viewed with disapproval and the Quran stresses the superiority of deeds over rank and birth.[17] A distinction is drawn between Muslims and non-Muslims. Among non-Muslims, Christians and Jews are given a higher status than idolaters. Marriage between a Muslim male and a Christian/Jewish/Sabian woman is allowed.[18]

A number of punishments for crimes and sinful behaviour such as sexual promiscuity, theft, murder and false accusation of adultery are given in the Quran.[19] However, it also provides scope for forgiveness for a repenter. The idea of God in Islam is both that of a generous Forgiver and a wrathful Punisher.[20] Therefore in terms of the social message also, the Quran lends itself to diverse rendition.

The nature of the Quranic laws

In the modern era, considerable discussion has taken place among Muslims over the nature of the Quranic laws. The established belief has been that the laws are valid and applicable for all times to all Muslim societies. Some modernists, however, argue that they applied only to the debased and primitive conditions of seventh century Arabia. The general tendency among them is to emphasize the spirit behind the laws. A radically modernist position on the Quran as a source of law can be grasped from the following remarks of Chiragh Ali, an Indian scholar who wrote in 1883:

> The Koran does not profess to teach a social and political law ... The more important civil and political institutions of the Muhammadan law, Common Law based on the Koran are mere inferences and deductions from a single word or an isolated sentence ... In short the Koran does not interfere in political questions, nor does it lay down specific rules of conduct in the Civil law. What it teaches is a revelation of certain doctrines of religion and certain rules of morality.[21]

The Sunna of the Prophet

According to established practice, the second most important source of ascertaining the will of Allah is the life of Muhammad. The spirit of the Quran is manifest in what he did, said and instructed. These traditions, known as the *Sunna* of the Prophet, are recorded in various books of *hadith*. A *hadith* means literally a saying of the Prophet. The *hadith* literature was collected by different scholars. This branch of scholarship attained a great deal of importance about two centuries after the death of Muhammad. Among Sunnis, six collections are recognized as authoritative. The collections of Bokhari and Muslim in particular are considered the most authentic. The scholars exercised great caution in accepting a *hadith*. Stringent methods were devised for cross-checking its veracity. For a *hadith* to be accepted, the chain of transmitters had to go back to the Prophet or one of his companions.

Notwithstanding great care and intellectual honesty exercised by the scholars, it is now generally acknowledged that many of the traditions included in the standard literature are apocryphal.[22] The removal of the *hadith* collectors by about two centuries from the Prophet, has contributed a great deal of distortion and mythogenesis about his life. However, the total number of the sayings of Muhammad which are found in the recognized texts run into several thousands. The Shias have their own separate collection. The Sunni and Shia collections tell quite different and contradictory stories about the *Sunna* of the Prophet. Since even the best collections are suspected of containing spurious narrations, some modern scholars argue that only the Quran is a valid source for deriving the authoritative ordinances of Islam.[23]

The Sharia

According to established belief the Canon Law of Islam is the *Sharia*. It means literally 'the straight path'. Its author is believed to be God Himself. It is therefore immutable and beyond human review. Its scope is greater than enforceable law, and provides guidance about how to perform prayers, lead a proper matrimonial life, treat children and elders, etc. A Muslim polity, according to classical theory, is expected to enforce it in its entirety.

Although in theory the sacred law is derived from revelation, a great portion of it is a product of human interpretation of divine will. Four sources of the *Sharia* are recognized in established tradition. The first source is the Quran. However, there are only a few verses in the Quran which are of legal significance.[24] The *Sunna* is the second source. The Prophet's life is believed to be the elaboration of the Quranic way of life.

His traditions therefore supply laws and rules of conduct which are binding upon the community.[25]

However, over time, it was realized that the Prophet's traditions did not suffice for all situations. Consequently, Muslim jurists developed strict rules of analogy, known as *qiyas*, by which a rule contained in the Quran or *Sunna* could be extended to a similar, but not identical situation. But this procedure was considered too fallible, since it was feared that an individual jurist may err.[26] As a result, the idea of *ijma*, i.e., the consensus of the community upon a law, or a body of laws, gained acceptance. In legitimating this procedure support was sought in a *hadith* of the Prophet which stated that: 'My community will never agree in error.'[27] The consensus of the community crystallized into the consensus of the leading scholars. Thus, the law resulting from *ijma* was also deemed revealed law since the scholars were protected from making wrong decisions. It must be pointed out here that the *ulama* did not comprise a Church in the Western sense of the meaning—with authority to represent God. But they gradually assumed the position of the exclusive experts of the sacred law. In the early days any qualified jurists could exercise *ijtihad* i.e., independent reasoning. He could go back to the original sources and interpret them for himself. Later *ijtihad* became the right of the recognized scholars, known as the *mujtahids*.[28]

The closing of the gates of Ijtihad

Around the tenth century (fourth century of the Islamic Hegira calendar), Islamic jurisprudence reached a stage of stagnation. The leading scholars felt that the point had been reached when all essential questions in law had been answered. Thus independent reasoning, i.e. *ijtihad*, was replaced by *taqlid*, which means unquestioning acceptance of the opinions of predecessors. Thus all jurists became mere *muqallids*, i.e., those who accept the opinions of predecessors and not exercise private reasoning.[29] This evolution resulted in a decay of Islamic jurisprudence. Muslim jurists could, however, exercise some private judgement in the form of *fatwas*, which means ruling on a point of law for a particular situation. But this procedure was too slow and did not command the authority of general law.[30]

In the modern era, voices have been raised in many parts of the Muslim world, demanding a reopening of the gates of *ijtihad*.[31] The implications of such a demand have been discussed widely. The exercise of independent reasoning in modern times would bear inevitably the stamp of modern rational and scientific knowledge if the modernist Muslims exercise this right. Some fundamentalist Muslims are in favour of *ijtihad*, but are strictly opposed to the modernists being authorized to exercise it.

The traditional *ulama* continue to oppose *ijtihad*, claiming that Islamic law, as elaborated in *Fiqh*, is complete and only requires application. This clash of ideas can be found all over the Muslim world.

J. N. D. Anderson points out that while all parts of the *Sharia*, in theory, rest equally on revelation, in practice: 'It is the personal and family law that, together with the rules of ritual and religious observance, has always been regarded as the very heart of the Sharia.'[32] The public law, however, has been less meticulously applied throughout Muslim history.[33]

Fiqh

Fiqh means Islamic jurisprudence and refers to the elaboration of the *Sharia* according to standardized procedures and techniques. It includes both dogmatic theology and law. Soon after the death of the Prophet, four schools of orthodox Islamic jurisprudence founded by Sunni jurisconsults became established. The founders of these schools were the *Imams*, Abu Hanifa (d. 767/150), Malik (d. 795/179), Shafi (d. 819/204), and Ahmad bin Hanbal (d. 855/241). These schools of Muslim rites gained acceptance in different parts of the Muslim world. In Pakistan and India, the Hanafi School predominates. The Shias have their own separate school associated with Jafar Sadiq, their 6th *Imam*.

The state of Medina

The Prophet of Islam was born in Mecca in 570. He declared his mission in 610. When his sermons began to win him converts, his kinsmen from the Quraish tribe started persecuting him and his followers. In 622 Muhammad migrated to the town of Yathrib, which was named Medina-tul-Nabvi upon his arrival. Later it became famous as Medina. The Muslim era, known as the Hegira, begins from this flight to Medina from Mecca.

The Prophet became the ruler of Medina. In order to manage the affairs of the polity, Muhammad formulated a charter. All Muslims, irrespective of their tribal distinctions became part of a new identity: the *umma*. The *umma* were distinguished from the other citizens of Medina. The Charter of Medina, as it became known in history, entrusted the various Muslim tribes and clans with responsibility for the conduct of their members. Blood-money for the loss of life and payment of ransom for persons captured by the enemy, two established customs of tribal life, were recognized as valid legal transactions for establishing peace and settling disputes.[34]

There are some distinct clauses defining the rights of the sizeable Jewish community of Medina. They were free to profess their religion and

to carry on their occupations. They were required to defend the city alongside the Muslims against outside attacks, but were not obliged to fight in their holy wars.[35] Some practical steps were also taken to forge closer relations between the Emigrants (all those who fled Mecca) and the Helpers (the Muslims of Medina known as the Ansar). Every Emigrant was declared a brother of some Helper.[36]

The spread of Islam among the tribes of the Arabian peninsula was almost completed during the lifetime of Muhammad. Persuasive, as well as military, means were employed in this transformation. He ordered certain apostates to be put to death and *jizya* was imposed on the defeated non-Muslims. The Prophet himself participated in some of these battles fought in the cause of Islam. He sent emisaries to the Persian, Byzantium and other courts, inviting their rulers to accept him as the Messenger of God.[37]

The doctrine of Jihad

The various means employed by an Islamic state to spread Islam are called *jihad*, if they involve strife and struggle. The more popular form of *jihad* is holy war. Explaining the legal aspect of *jihad* in traditional *Fiqh*, Majid Khadduri writes:

> The law of Islam was based on the theory of a universal state, similar to the law of ancient Rome and the law of medieval Christendom . . . The aim of Islam was to establish one world-wide legal order governing the whole of mankind.
>
> To the Muslim jurist the world was therefore sharply divided into two zones: *Pax Islamica* (dar-ul-Islam) comprising the lands under direct or indirect Islamic rule, and the rest of the world (dar-al-Harb, or enemy territory). The first was at war with the other, a state of war which was to continue until the latter would be absorbed by the former. From a legal viewpoint the *jihad* meant a permanent state of war between the Islamic and other states. But this state of war should not be construed as actual hostilities; it was rather equivalent, in Western terminology, to non-recognition.[38]

In modern times *jihad* has been the focus of much discussion among Muslim scholars. The established standpoint is still based on traditional theory legitimating holy war as a positive pursuit, while the modernists interpret it in a variety of apologetic ways, suggesting that *jihad* refers to all moral exertions to root out injustice, establish good and defend Muslim independence against aggression.

The pious caliphate

Muhammad died on 8th June 632/12th Rabi-ul-Awal, 11 Hegira, in Medina. He had not left behind a male issue and there were no instructions in the Quran, or any directive from him, as to how the community should be led after him. The office of prophethood was closed forever as

Muhammad claimed to be the Seal of the Prophets.[39] The question of succession assumed immense importance and three contending groups were formed immediately after his death. The Meccan kinsmen of Muhammad from the tribe of the Quraish formed one group, the Helpers of Medina constituted the second group, and a third party was formed by his immediate clan of Banu Hashim.

The Quraish succeeded in getting Abu Bakr elected as the caliph. The Helpers and the Banu Hashim, gave allegiance after some hestitation. In his speech supporting the candidature of Abu Bakr (father-in-law of Muhammad), Umar (father-in-law of Muhammad) pointed out that Abu Bakr was a steadfast and the most senior companion of the Prophet who had been by his side from the beginning of Islam, sharing all the vicissitudes. Further, attention was drawn to the fact that Abu Bakr belonged to the Quraish, and only a candidate from this leading tribe could be acceptable to all Arabs.[40]

Abu Bakr (632–34/11–13) assumed the modest title of *Khalifa-tal-Rasul Allah* (deputy of the Prophet of Allah). He led the community for a short period of two years. During his era war was waged against apostates and false prophets, and against tribes refusing to pay the *zakat* tax.[41]

Before his death, Abu Bakr proposed the name of Umar to succeed him. Umar (634–44/13–23) received the oath of allegiance from the community and began a long reign of expansion and consolidation. He distinguished himself as a great administrator and just ruler. He ordered statistics to be collected on the population and introduced a graduated scale of state allowances. The highest allowance was paid to the wives of Muhammad and his immediate relatives, followed by the different grades of the companions of the Prophet. This scale continued until a basic allowance was given to ordinary Muslim citizens.[42]

The Islamic commonwealth spread far and wide in all directions during Umar's caliphate. Persia was conquered. Large territories of the Eastern Roman Empire were annexed. War booty from such *jihad* began to pour into the coffers of the Exchequer. It is said that at one time so much wealth had gathered with the citizens of Medina that there was no one left to receive the alms-tax, *zakat*. Umar remains the most admired hero of Sunni Muslims.

On his death-bed, Umar appointed a board of six leading members of the Quraish to select a leader after him. The choice was narrowed down between Uthman and Ali. Both were asked if they could given an undertaking that they would follow the precedents established by Abu Bakr and Umar. Ali reportedly refused to give such an undertaking. Uthman was therefore preferred.[43]

Uthman (644–56/23–35) was a wealthy merchant who had joined Islam quite early. Two of the Prophet's daughters were married to him (they,

however, did not bear children whose line continued). He came from the rival clan of Banu Umayya, which had traditional enmity with the Banu Hashim. The Banu Umayya had been the leading force in the persecution campaigns against the Muslims in Mecca. Most of them converted to Islam only when Muslim power became invincible. Uthman, who was of gentle disposition, appointed many of his relatives and kinsmen to important positions. He even allowed Arabs to acquire lands in the conquered territories, a privilege which Umar had forbidden. Opposition grew to the caliph's alleged nepotism, and this culminated in his assassination at the hands of Muslim dissenters.[44]

Ali (656–61/35–41), who was Muhammad's cousin and also son-in-law, was finally chosen in an open assembly at Medina. However, there was no peace during his time. The governor of Damascus, Muawiya, who was a close relative of Uthman, demanded that Ali should arrest the murderers of Uthman. Some of the assassins of Uthman were the followers of Ali. Ali replied that he needed time. This conflict ended in a great battle between the armies of Ali and Muawiya. Muslims fought Muslims, the schism in Islam began to be formed.[45] Finally, Ali was also assassinated by a group of extremist Muslims known as the Khwarij.

The pious caliphate: an appraisal

The first four caliphs are regarded as the orthodox rulers of the Islamic state. Although, all four of them were selected through different procedures, they nevertheless sought an oath of allegiance from the *umma*, which was the established tribal practice of gaining popular consent. Moreover, the selection was not hereditary. On the other hand, the insistence on Quraish descent is indicative of casteism and divine right. In recent times, modernist Sunnis have emphasized the elective nature of the caliphate, suggesting its proximity with democracy.

The *raison d'être* of the pious caliphate was the continuation of the divine basis of the polity through strict imposition of Quranic injunctions and the rulings of the Prophet. The caliphs exercised their own *ijtihad* while interpreting the Quran and *Sunna*, and many of their rulings came to be regarded as part of the *Sharia* by the later generations.[46] The Shias, however, reject the caliphate of Abu Bakr, Umar and Uthman, and recognize only Ali as the rightful successor of Muhammad.

It seems that the formation of the office of the caliphate was determined largely by the northern Arab social structure in which the tribal elders were the spokesmen of the community. As the simple tribal structure transformed, due to the spread of Islam into regions of mature civil-izations such as the Sassanid and Byzantium Empires, the caliphate also underwent qualitative change. The humble, easily accessible, meticu-

lously just, pious and frugal patriarch of the pious caliphate was supplanted in later history by a despot imitating the grandeur of the conquered civilizations.

The establishment of hereditary caliphate

After the death of Ali, Muawiya captured the leadership and established hereditary rule. The Umayyads ruled between 660–750/41–132. Although succession remained within the clan of Umayya, it did not always follow from father to son. Further, the oath of allegiance continued to be taken from important personages, as this symobolized legitimate accession to power. Force was used at times to secure the oath of allegiance from reluctant leaders.

The Umayyad caliphate was the period of Arab expansion into North Africa, Spain, central Asia, and Sindh in present day Pakistan. An Arab military-feudal stratum headed the social hierarchy. Myriad new races, religious traditions and cultures were overrun by the triumphant Muslim armies. The new converts to Islam brought along the images of their own gods and deities, adding various heterodox beliefs to the simple religion of Muhammad. Jealousies and rivalries between the Arabs and non-Arab Muslims became the bane of the Umayyad rule. In 680/61, Husain, the younger son of Ali, a grandson of the Prophet, and a claimant to the caliphate, was surrounded by an Umayyad army at Kerbala. In the unequal battle which ensued Husain's small force of 72 combatants was massacred. The death of Husain and some of his family members gave rise to the Shia movement, which developed as an oppositional sect in Islam rejecting Sunni rule and doctrines.

Opposition to Umayyad misrule began to gather around the leading figures of the Banu Hashim. Among the disgruntled elements a large number were non-Arabs and Arabs of southern Arabia who resented the ascendance of the Northerners. Hashimite agents exploited successfully the popular sentiment, spreading rebellious propaganda against the Umayyads. They were accused of usurping the 'right' of the Prophet's family to lead the Muslim community. Many rebellions took place in different parts of the Empire. In 750/132 the Hashimites succeeded in tricking Umayyad chieftains into attending a banquet, which was supposed to mark the reconciliation between the two clans. But the banquet became a gory massacre of the Umayyads and an end of their rule.[47] Only one Umayyad chief managed to escape. He fled to Spain and founded Muslim rule there.

The Hashimite party consisted of several factions. Among the leaders were the descendants of Abbas, an uncle of the Prophet, and the descendants of Ali. The Abbasid faction succeeded in capturing power

and established a dynasty (750–1258/132–646). The Alids were forced into the background. In order to gain legitimacy the Abbasids proclaimed the revival of orthodox practice. Abu Bakr, Umar and Uthman were recognized as the legitimate predecessors of Ali. Sunni political and legal theory developed under Abbasid patronage.

The first half of the Abbasid dynasty saw the flowering of a grand civilization. Sciences and Arts flourished and the Abbasid Court attracted the most brilliant men of the times. In grandeur and majesty the Abbasid Court surpassed all contemporary Christian powers of Europe. The caliph assumed the glorious title of the Shadow of God on Earth. A group of free-thinking Muslims, known as the *Mutazila*, were in royal favour for a while, but later orthodoxy reasserted its influence at the Court. The *Mutazila* preached a more philosophical approach to Islam, while the orthodox forces, known as the *Asharites*, developed dogmatic theology based on more literal meaning of the Quranic message, and acted as the custodians and interpreters of the *Sharia*.[48]

However, towards the second half of the long dynastic Abbasid rule, real power passed into the hands of non-Arab bureaucrats and soldiers. Later, during the decline of Abbasid rule, several *sultans* and *amirs* in different parts of the Empire established their local rules. As a result, the position of the caliph as the head of the Muslim *umma* and the symbol of the Kingdom of God on Earth, became a sacred fiction. In 1258/656 the Mongols laid seige to the Abbasid capital, Baghdad, and razed it to the ground. The Abbasid caliphate passed into the annals of history.

Rival caliphates

While Abbasid authority extended to the central areas of Muslim power, in Egypt a rival Fatamid caliphate was established by some Alids (908–1171). An Umayyad caliphate was established in Spain. But no central Muslim authority existed for several centuries after the sack of Baghdad which could claim the mantle of the divinely-favoured caliphate.

The Ottoman caliphate

So far, despite the vast changes that had taken place in the position of the caliph, he had always come from the Quraish. In 1299 the Ottoman Turks established a dynasty which emerged as the most powerful entity in the Muslim world. However, since they were non-Quraish classical theory could not invest them with the exalted status of caliphs. However, in 1774, the Ottoman Sultan asserted his claims as the caliph and the defender of Islam, in his negotiations with Czarina Catherine, who claimed to represent the orthodox Christians living in Ottoman territories. The

Ottoman claim was gradually acknowledged in many parts of the Muslim world as a symbol of unity *vis-à-vis* the Christian powers which were then engaged in hostile colonial expansion into Muslim lands.[49]

The Ottomans observed the *Sharia* and patronized the *ulama*. However, secular changes became inevitable in the eighteenth century, especially through increased contact with Europe, and many reforms were introduced which conflicted with *Sharia* rulings. These were known as the *Tanzimat*.[50] Later, secular ideas gained currency among the Turkish intelligentsia.

The abolition of the caliphate

After the defeat of Turkey in the First World War, modernist secular forces within Turkish society led a successful struggle against the Ottoman Caliph. While addressing the Turkish Grand National Assembly at Ankara in 1922, Mustafa Kemal Ataturk, the hero of the independence war against the Allies, emphasized that the true caliphate had ceased to exist after the Medinese republic. After that, the 'caliphate' had become a liability for the Muslim people which in the modern age served no useful purpose.[51] In 1923 Turkey was declared a republic with Islam as the state religion. Later, in 1924 the caliphate was abolished and Ataturk founded a secular Turkish republic. Since then, there has been no serious effort in the Muslim world to revive the universal caliphate. On the other hand, emphasis has shifted to the creation of Islamic states in different parts of the world.

The evolution of political theory

The disputes that cropped up after the death of Muhammad over the question of succession, crystallized into three main clusters of opinion: the majority view that the caliph should be a temporal leader from the Quraish (later evolving into the Sunni orthodox position), the partisan view that leadership belonged of divine right to Ali and his descendants and, therefore, the first three caliphs were usurpers (later developing into various Shia sects based on the notion of infallible *Imams*), and a radical position which emerged after the murder of Uthman, stating that the best Muslim, irrespective of racial origin or tribal connexion, should be the leader of the community (the Khwarij position). The radical Khwarij position remained a minority. The Khwarijis are found in Oman, and in small communities in East and North Africa.

Over the centuries many sub-sects, Sufi Orders, and heretical groups appeared among the Muslims. The Wahabi puritanical movement in Arabia proper, was a corrective ideology aiming at a thorough reform of

Sunni doctrines. Khwariji ideas remained dormant for a long time, but their idea of the best Muslim leading the community was revived in Sunni societies, through both fundamentalist and modernist reform movements, under the impact of the democratic current of the modern times.

During Abbasid rule, orthodox political theory was given shape. The office of the caliph was conceived as a divine station. However, the incumbent himself was not considered divine. Among the qualifications required of a caliph, Quraish descent was considered necessary. According to Erwin I. J. Rosenthal, this qualification was meant to deny the exclusive claims of the Alids.[52] Also necessary, was the ceremony of getting the oath of allegiance from the traditional consultative assembly, known as the *Ahl al-hall- wal-aqd*, i.e., 'those who loosen and bind'. The Assembly comprised the leading *ulama* of the times.[53] Thus the practice of gaining consent was continued in form, although the caliphate itself had lost all popular vestiges of the original institution. Obedience to the caliph was equated with religious faith, since he symbolized the ascendance of orthodox power as against Shia-ite heresies.

The main ideological opposition came from the Shias. They developed the theory of the infallible *Imams* of the House of Muhammad. Tales of woe, portraying the alleged suffering of the *Imams* at the hands of the Sunni rulers, were woven into various esoteric beliefs. The Shias denied the right of the community to appoint the ruler, claiming that it belonged through divine appointment to the descendants of Ali. In the beginning, several sons of Ali from different wives claimed the leadership of the Shia-ite movement. Later Shia theory confined this right only to those sons of Ali who were born from Fatima, a daughter of the Prophet. This was further narrowed down to the male line of Husain, the martyr of Kerbala. This process developed into the main Ithna Ashari sect based on the belief in twelve *Imams*. The last *Imam* is believed to have gone into hiding and is to return one day to lead his followers. Several other Shia sects were also formed, branching off from some legitimist notion of divine right of the Alids. Shia-ite revolts occurred several times but were crushed ruthlessly each time.[54]

However, Shiaism failed to find support among the bulk of the Muslim community. It became the majority sect in Persia, when in the sixteenth century the Safavids established their Shia state there. Cursing Abu Bakr, Umar and Uthman in the Friday public prayers was instituted as a regular practice of Shia rituals.[55]

Sunni political theory

Sunni political and legal theory that developed during the Abbasid period claimed to follow orthodox Islam by remaining steadfast to the *Sharia*

and true *Sunna* of the Prophet, as against the heretical innovations of other sects. That period in history, when the State of Medina flourished under the Prophet and his pious caliphs, was considered the golden period of Islam, and the ideal reference for both spiritual and temporal achievements. However, the legitimacy of dynastic caliphates was recognized by the *ulama* including the *fuquha* (*jurists*), so long as the *Sharia* was observed as the law of the land.

In the *Kitab-ul-Kharaj*, Qadi Abu Yusuf, the leading Hanafi jurist at the court of the Abbasid caliph Harun Rashid, while elaborating the revenue code which he had formulated on the request of the Court, emphasizes the need for virtuous conduct from the caliph. Harun Rashid is reminded that he was in charge of a sacred trust which required him to establish a just society based on the principle of God-consciousness.[56]

Al-Mawardi (d. 1058), is considered the most learned theoretician of the orthodox political theory. Enumerating the qualifications of the caliph, besides the usual mention of Quraish descent, al-Mawardi points out that he should be elected by qualified electors, i.e., 'those who loosen and bind'. An outgoing caliph can also legitimately nominate his successor. The caliph should commit himself to a strict adherence to the revealed law, and promote general welfare. As long as he is not guilty of heresy, or a captive in the hands of the enemy, obedience was due to him from all Muslims. The idea of two caliphs was rejected. This was directed against the pretensions of the Fatamids in Egypt.[57]

However, al-Mawardi was receptive to the altered balance of power in which the authority of the caliph had suffered at the hands of emerging regional powers represented by *sultans* and *amirs*. He recognizes their legitimacy in their domains, as long as they did not encroach upon the supreme position of the caliph as the leader of the faithful.[58]

Al-Ghazali (d. 1111), writing when real power had been captured by the Sunni Seljuk *sultans*, tried to accommodate this further erosion of central authority. He asserted that the caliph need not exercise political authority himself, he can delegate it to a *sultan*.[59] The caliph is advised to seek the advice of the *ulama* and *fuquha* in the interpretation of the divine law.[60] This advice further detracted from the effective power of the caliph, reducing him to a mere nominal spiritual leader of the *umma*.

Ibn Taimiyah (d. 1328), writing when all vestiges of the Abbasid caliphate had been eliminated, came up with radically new ideas. He maintained that the true caliphate ceased to exist with the end of the pious caliphate. Since then, there have been various forms of Muslim rule, but not the true caliphate.[61] He then goes on to establish a direct link between the *ulama*, who are declared the authoritative guardians of the *Sharia*, and the Muslim community. The *ulama* may interpret and administer the sacred law as judges.[62] Arguing thus, Ibn Taimiyah makes sweeping

changes in the classical theory in which the caliphate was accorded a divine status since it was the caliph who symbolized the protection of the sacred law. Ibn Taimiyah makes this office virtually obsolete. Being a reformer with a sweep of ideas touching the whole range of theological, constitutional and legal aspects of Muslim society, Ibn Taimiyah initiated the revival of puritanism. He emphasized *tauhid* (pure monetheism) and derided saint-worship and other superstitions. He is regarded as the precursor of Wahabi ideas which emerged in Arabia in the eighteenth century and form the puritanical ideology of the Saudi state.[63]

Ibn Khuldun (d. 1406), an erudite scholar from Tunisia, applied sociological methods and criteria to explain the evolution of Muslim history. He wrote that in all societies there is an innate cyclical evolution. A martial tribe captures power, subjugates the surrounding tribes and establishes a civilization. That civiliztion reaches its zenith and then decay sets in through a life of ease and indulgence. The appointment of a Quraishite caliph was an expression of this natural law of social evolution. However, while the first four caliphs ruled as ideal rulers adhering to the divine law, Umayyad and Abbasid dynasties were based on the power and strength of the dominant Quraish tribe.[64]

Ibn Khuldun accepted the necessity of a state, even one based on power, for civilization to flourish. He was positive to the role of religion as an essential factor in civilization. He believed that even a state based on power can benefit from the *Sharia* since its observance leads to public welfare, and no ruler can afford to ignore the public good.[65] In short, Ibn Khuldun, while considering the pious caliphate as the ideal Islamic state, was willing to accept the legitimacy of deviant forms of Muslim rule which observed the divine law.

As is obvious, necessary changes were worked into constitutional theory to make it fit an Islamic framework. Kemal A. Faruki sums up this phenomenon in the following words:

> Thus from trying to reconcile theory and practice, constitutional writers increasingly made theory conform to practice—giving *de jure* status to a merely *de facto* situation. The need for order (and solidarity in the face of other threats from outside the state or from outside the pale of Sunni orthodoxy) doubtlessly made this seem a matter of religious necessity.[66]

The medieval state

At the centre of Sunni political theory were two main elements: the *Sharia* and the caliphate. Islamic law was derived from the sacred sources through standardized procedures perfected by the four schools of Islamic jurisprudence. The *ulama* gradually became the guardians of the *Sharia* as the authority of the caliph weakened. On the other hand, the caliph

who in the beginning was the central element in Sunni political belief, was reduced to a mere figure-head in later times. Classical theory was revised in response to the changing objective conditions. Such theory was not always formulated in response to the demands of the caliphs or other notables. Sometimes independent jurists and thinkers, whose views gained acceptance with their peers, were able to give the lead in theory formation. This peculiar feature of Muslim thought—that it did not issue from an established Church with authoritative sacerdotal authority, but was proposed by private individuals who at times theorized independently of the establishment, though rarely in opposition to it—explains perhaps the long union between religious and political theory. A thinker could propound a theory and if it suited the circumstances it was adopted by the concerned strata and power blocs.

Obedience to the ruler was stressed in all classical theory. The right to rebellion could be exercised only in the extreme condition of the ruler abandoning Islam. Such an eventuality was wholly theoretical and had no bearing on the existing situation. Of course, it barred all possibilities of a caliph adopting Shia beliefs since this was tantamount to major heresy, according to classical theory.

The state divided the citizens into two broad categories of Muslims and non-Muslims. The latter had to pay the protection tax, *jizya*, to the state. The non-Muslim minorities of Christian and Jews were granted several economic and social rights. In India, where the non-Muslims made up more than three-quarters of the population, the *Sharia* laws could not be applied without fundamental ideological revision, since the Hindus were not people of the Book but idolatrous polytheists. However, as is evident from recorded history, required theoretical justifications were found to extend the general laws in the *Sharia* for non-Muslims to the Hindus. Occasionally, however, this revision of theory was attacked by zealous rulers and *ulama* who demanded punitive action against the polytheists.[67] Among Muslims, Shia-Sunni distinctions were important and the orthodox forces resented the influence of Shias on the state wherever it occurred. In Persia, the Sunni minority was subjected to discrimination and persecution.

The economic basis of the medieval state

State finances were procured from an extraction of a surplus from agriculture, *jizya* and taxes on stable trade practices located in the towns. Trade caravans were a regular feature of the commercial activities of medieval Muslim society. *Fiqh* codes existed which provided the legal framework for regularizing trade.[68] War booty, as a stable source of national wealth was not significant, since Muslim expansions did not meet the same success which the first 100 years of Islam had witnessed.

The social milieu of the medieval state

Traditional Muslim society was based on the segregation of men and women. Slavery was practised and detailed legal codes were devised to define the status of the slaves. They were purchaseable commodities, although some laws existed restricting free slave trade in special circumstances.[69] Concubinage and polygamy made the female population a permanent subordinate segment of society.[70] Sectarian distinctions, ethnic variations, etc., all influenced social status. The nobility lived quite deviant lives from the path preferred in divine will.

The *ulama* and *fuquha* often provided impetus to puritanical movements. On the other hand, the various mystical orders were at times sanctuaries for withdrawal, and for the pursuit of non-conformist beliefs and practices. Generally, the ruler worked in close cooperation with the established *ulama* who in turn received royal favours. Their position as the guardians of the *Sharia* became an established fact in all medieval societies. Therefore, even when Islam did not establish a Church, the *ulama* aspired to such a role.

The decline of Muslim power

During the eighteenth century Muslim power began to decline. The European colonial onslaught could not be resisted and during the nineteenth and the first half of the twentieth centuries, European domination over Muslim societies was insurmountable. The traditional ethos of society was disturbed deeply, and the influence of the *ulama* suffered serious atrophy. European legal codes replaced the *Sharia* in important political, criminal, constitutional and commercial spheres. The *Sharia* was confined to family and inheritance matters.[71] These changes were especially true of India where the British displaced Muslim suzerainty and established a secular state practising authoritarian rule, combined with certain features of responsive government derived from Western democratic constitutional theory.

Notes

1. Sir Muhammad Iqbal, *The Reconstruction of Religious Thought in Islam* (Lahore: Sh. Muhammad Ashraf, 1960), pp. 1–27.
2. Ibid.
3. Abul Ala Maududi, *Towards Understanding Islam* (Lahore: Islamic Publications Ltd., 1965), pp. 85–141.
4. Abdullah Yusuf Ali, *The holy quran: Text, Translation and Commentary* (hereafter referred to as *Quran*) (Lahore: Sh. Muhammad Ashraf, 1982); the idea of the overlordship of God pervades the whole Quran, see especially the

whole of chapter 67. It is entitled, *Al-Mulk* (*The Sovereign*). I have referred to this celebrated English translation wherever I myself have quoted from it. It contains the original Arabic text and comments of the author. A fairly detailed subject-index is given at the end. This makes the task of reference quite easy. The system of quoting the chapter by the abbreviation 'ch.' and separating the relevant verse by a colon is standard practice and is followed here.

5. Ibid., ch. 3: 159.
6. Ibid., ch. 3: 32, 132; ch. 4: 59; ch. 5: 95.
7. *Quran*, on government through consultation, ch. 3: 159; ch. 42: 38. On justice and the rule of law, ch. 4: 58, 65, 105, 135; ch. 7: 29; ch. 16: 90. These verse are often quoted by proponents of the Islamic state, however, about the concrete ways and means to realize these principles, there are many divergent standpoints.
8. Ibid., on usury ch. 2: 274–276, 278–280; ch. 3: 130. On greed and hoarding, see under the verses on property ch. 2: 188; ch. 4: 29. On business transactions ch. 2: 279–283.
9. Ibid., ch. 2: 110, 177, 195, 215, 219, 254, 261–274; ch. 3: 134; ch. 30: 39; ch. 57: 18; ch. 63: 10. ch. 64: 16–17.
10. Ibid., ch. 2: 43, 110, 277; ch. 4: 162; ch. 5: 58.
11. For an explanation of how Zakat was calculated see T. P. Hughes *Dictionary of Islam* (hereafter referred to as *Dictionary of Islam*) (Lahore: Premier Book House, 1980) (revised ed.) under 'Zakat'. See also Hamilton's English translation of *Hedaya (hereafter referred to as Hedaya)* (Lahore: Premier Book House, 1975), pp. 1–25. The *Hedaya* is one of the most authoritative compilations of Sunni Hanafi laws which were applicable during the Abbasid and later periods.
12. *Quran*, on the laws of Inheritance see ch. 2: 180, 240; ch. 4: 7–13, 19, 176; ch. 5: 109–11. For detailed explanation see *Dictionary of Islam*, in the section on 'Inheritance'. See also Anwar Ahmad Qadri, *Islamic Jurisprudence in the Modern World* (Lahore: Sh. Muhammad Ashraf, 1981), pp. 424–79.
13. *Quran*, ch. 3: 180; ch. 15: 23; ch. 19: 40. The idea of God being the Owner of heaven and earth has been emphasized by Muslim reformers who stand for a radical redistribution of existing property along egalitarian lines. However, in traditional *Fiqh* the right to private property is considered inviolable. For a fairly extensive survey of Muslim opinion on the relationship between the apparently contradictory ideas of, on the one hand, that God is the owner of everything and, on the other, the rights of the individual to own, dispose of and inherit private property, see Hasan Askari, *Society and State in Islam* (Lahore: Progressive Books, 1979), pp. 124–52.
14. *Quran*, ch. 4: 1, 19, 34.
15. *Quran*, ch. 2: 223; ch. 4: 3, 34. See also in *Hedaya*; the subordinate position of women is evident in almost all matters related to marriage and divorce, see especially pp. 25–149.
16. *Quran*, ch. 33: 50 gives recognition to Slavery. The Quran did not establish Slavery, it merely recognized an existing institution. However, there are specific verses instructing masters to treat their slaves kindly, e.g., ch. 2: 177; ch. 90: 13, etc. In *Fiqh* extensive laws exist on Slavery. See in this connexion, *Hedaya*, and *Dictionary of Islam*, under 'Slavery'. Modern Muslim opinion, however, is opposed to Slavery in any form.
17. *Quran*, ch. 49: 13.

18. *Quran*, ch. 5: 6. For *Fiqh* rulings see under the section on 'Marriage' in *Hedaya*.
19. *Quran*, for sexual promiscuity, ch. 24: 2–3; for theft, ch. 5: 41; for false accusation of adultery, ch. 24: 4. For details, see under the section 'Hadood' in *Hedaya*. See also *Dictionary of Islam* in the section 'hadd'. See also *Islamic Criminal Laws (Part-1 Hudud)*, issued by the Government of Pakistan in 1981. These laws were introduced in 1979.
20. *Quran*, God as a Forgiver, see ch. 4: 26; ch. 5:42, 77; ch. 6: 12, 54, 133; ch. 24:5; ch. 42: 25; as a Punisher, ch. 1: 7; ch. 12:107. See ch. 15: 49–50 for assertion of both the roles as Forgiver and Punisher. The supreme position of God as the Master of heaven and earth is a theme which pervades the whole text of the Quran.
21. Aziz Ahmad and G. E. Von Grunebaum (eds), *Muslim Self-Statement in India and Pakistan 1857–1968* (Wiesbaden, 1970), pp. 49–52.
22. G. H. A. Juynboll, *The Authenticity of the Tradition Literature* (Leiden: E. J. Brill, 1969), pp. 114–20, 150–2. This is the central theme in the whole book. See also Fazlur Rahman, *Islam* (Chicago: University of Chicago Press, 1979), pp. 64–7.
23. Aziz Ahmad, *Islamic Modernism in India and Pakistan 1857–1964* (London: Oxford University Press, 1967), pp. 120–1.
24. J. N. D. Anderson, *Islamic Law in the Modern World* (London: Stevens & Sons Limited, 1959), p. 11. See also Anwar Ahmad Qadri, op. cit., pp. 176–89.
25. J. N. D. Anderson, op. cit., pp. 11–12. See also Anwar Ahmad Qadri, op. cit., pp. 189–99.
26. J. N. D. Anderson, op. cit., p. 13. See also Anwar Ahmad Qadri, op. cit., pp. 208–22.
27. Norman Anderson, *Law Reform in the Muslim World* (London: University of London, 1976), p. 6. See also Anwar Ahmad Qadri, op. cit., pp. 199–208.
28. Norman Anderson, op. cit., p. 7. See also Anwar Ahmad Qadri, op. cit., pp. 250–63.
29. Norman Anderson, op. cit., p. 7. See also Anwar Ahmad Qadri, op. cit., pp. 250–63.
30. J. N. D. Anderson, op. cit., pp. 14–15.
31. For a scholarly presentation of this point of view see Sir Muhammad Iqbal, op. cit., pp. 146–80.
32. J. N. D. Anderson, op. cit., p. 15.
33. Ibid.
34. A. Guillaume, *The Life of Muhammad* (translation of the most widely used earliest biography of the Prophet by Ibn Ishaq, 'Sirat Rasul Allah') (Karachi: Oxford University Press, 1978), pp. 231–2. See also M. Hamidullah, *The First Written Constitution of the World* (Lahore: Sh. Muhammad Ashraf, 1981).
35. A. Guillaume, op. cit., pp. 232–3. See also M. Hamidullah, *The First Written Constitution of the World*.
36. A. Guillaume, op. cit., pp. 234–5. See also Rueben Levy, *The Social Structure of Islam* (Cambridge: Cambridge University Press, 1965), pp. 273–7.
37. A. Guillaume, op. cit., pp. 652–9.
38. Arthur Larson and C. Wilfred Jenks, *Sovereignty Within the Law* (New York: Oceana Publications, Inc., 1965), see the article by Majid Khadduri, 'Islamic Law', pp. 170–1. According to Khadduri, in traditional theory peace with non-Muslims was not to last more than 10 years (see p. 171).
39. *Quran*, ch. 33: 40.

40. A. Guillaume, op. cit., pp. 685–7. See also Philip K. Hitti, *History of the Arabs* (London: The Macmillan Press, 1970), p. 178.
41. Philip K. Hitti, op. cit., pp. 140–2.
42. Irfan Mahmud Rana, *Economic System under Umar the Great* (Lahore: Sh. Muhammad Ashraf, 1977), pp. 125–30. See also Philip K. Hitti, op. cit., pp. 169–76.
43. Syed Ameer Ali, *The Spirit of Islam* (Karachi: Pakistan Publishing House, 1978), p. 281.
44. Philip K. Hitti, op. cit., p. 177.
45. Ibid., pp. 180–1.
46. Muhammad Hamidullah, *The Muslim Conduct of State* (Lahore: Sh. Muhammad Ashraf, 1953), pp. 21–2. See also Anwar Ahmad Qadri, op. cit., pp. 50–5.
47. J. J. Saunders, *A History of Medieval Islam* (London: Routledge and Kegan Paul, 1980), pp. 102–3.
48. Syed Ameer Ali, op. cit., pp. 414–41.
49. Kemal A. Faruki, *The Evolution of Islamic Constitutional Theory and Practice* (Karachi: National Publishing House, 1971), pp. 142–51.
50. Ibid., pp. 139–53.
51. Ibid., pp. 156–7, 206–8.
52. Erwin I. J. Rosenthal, *Political Thought in Medieval Islam* (Cambridge: Cambridge University Press, 1958), p. 30.
53. Ibid., pp. 30–5. See also Kemal A. Faruki, op. cit., pp. 234–7.
54. Fazlur Rahman, op. cit., pp. 170–80. For detailed information on Shia sects, beliefs and doctrines see J. N. Hollister, *The Shia of India* (London: Luzac & Company Ltd., 1953).
55. Edward Mortimer, *Faith and Power* (London: Faber and Faber, 1982), p. 298.
56. Dr. Abid Ahmad Ali translator of Haudhrat Qadi Abu Yusuf's *Kitab-ul-Kharaj* (hereafter referred to as *Kitab-ul-Kharaj*) (Lahore: Islamic Book Centre, 1979), pp. 1–29.
57. Erwin I. J. Rosenthal, op. cit., p. 32.
58. Kemal A. Faruki, op. cit., pp. 46–7.
59. Ibid., p. 48. See also Edwin I. J. Rosenthal, op. cit., pp. 41–3.
60. Kemal A. Faruki, op. cit., p. 48.
61. Ibid., p. 62.
62. Ibid., p. 63.
63. Ibid., p. 61.
64. Erwin I. J. Rosenthal, op. cit., pp. 84–109.
65. Ibid.
66. Kemal A. Faruki, op. cit., p. 51.
67. Ibid., pp. 81–5.
68. See *Kitab-ul-Kharaj*, and *Hedaya*. These two standard works provide detailed information on the revenue system and the laws on trade and commerce.
69. See the section on 'Slavery' in *Hedaya*. See also under 'Slavery' in *Dictionary of Islam*.
70. See the section on 'Marriage' in *Hedaya*. See also in *Dictionary of Islam* under 'Marriage', 'Slavery', and 'Inheritance'.
71. Norman Anderson, op. cit., pp. 19–25.

4 Islam and the demand for Pakistan

According to P. Hardy the feeling of being a distinct nation developed among Indian Muslims only in the 1940s, when it became clear that the British would soon leave India. Prior to that, the Muslim nobility had little in common with the Muslim peasantry and artisan castes.[1] Muslim professionals and entrepreneurs feared permanent Hindu domination in a united India, and therefore, demanded a separate state where their interests could be safeguarded. The ideology of Muslim nationalism based on communal distinctions was put forth by the Muslim League to legitimate and mobilize support for a separate homeland. In this campaign, the traditional Muslim cadre of *mullahs* and young students were used effectively.[2]

Ishtiaq Husain Qureshi argues that from the very beginning the Muslims of India, of both native and foreign origin, were conscious of their separate identity. Hinduism and Islam remained two distinct, irreconcilable, ways of life. The creation of Pakistan was therefore the logical culimination of this irreconcilable clash of values.[3]

Y. V. Gankovsky and L. R. Gordon-Polonskaya locate the origin of Pakistan in the peculiar class formation, and class contradictions which attended the evolution of the Indian bourgeoisie. The Muslim group lagged behind the other Indian communities. This uneven development of the various components of the indigenous bourgeoisie during the British period: '. . . put a religious construction on the contradictions between the various national groups, which stemmed from commercial and industrial competition and rivalry in admission to the civil service.'[4]

The most noteworthy feature of the struggle for Pakistan is that its leadership came almost entirely from the Western-educated Muslim professionals. The *ulama* remained, by and large, hostile to the idea of a Muslim national state, which they suspected would be based on secular principles and not on the *Sharia*. But during the mass contact campaign which began around 1943, the elitist Muslim League abandoned its quaint constitutionalist and legalist image in favour of Muslim populism. This populism drew heavily on Islamic values. The memories of famous Muslim warriors and conquerors, especially those who had defeated and humbled Hindu chieftains, were invoked. Wild promises were made of

restoring the glory of Islam in the future Muslim state. As a consequence, many religious divines and some respected *ulama* were won over.

Thus, while the leadership remained with a Westernized elite, the inflationary growth of the Muslim League's support among Muslims was achieved with the help of a broad traditional cadre in less than a decade. Lower middle-class students and the *mullahs* toured the countryside promising the Muslim peasantry permanent liberation from the tutelage of the Hindu money-lender.[5] The Hindu was successfully portrayed as an infidel and an oppressor in the League's propaganda. Pakistan was therefore created under heavy debt to Islam. That Islam meant different things to different people was lost in the general excitement caused by the mass upsurge.

Muslim rule in India

Although Muslims had settled on the west coast of India in the time of Umar, Arab military presence was first established in 712 during the Umayyad period. In the twelfth century, incursion into the Indian heartland was achieved by the Turko-Afghans and for more than seven centuries India remained under Muslim domination. In 1526, the famous Mughal Empire was founded by Babur. The British abolished it in 1857.

The *Sharia* was the supreme law of the land, and the Hindus were generally treated as *dhimmis*. The protection tax, *jizya*, was levied from the non-Muslims until 1564 when the Emperor Akbar abolished it. Akbar married Hindu princesses and Hindu warrior castes were recruited into the Mughul Army. Later the puritanical Aurangzeb (1658–1707) restored the *jizya* in 1679. This triggered revolts and hastened the end of Muslim rule.

Among Indian Muslims social distinctions appeared quite early. The foreign-born and their descendants kept their social distance from the local converts.[6] Ideas of caste, which were typical ingredients of the Hindu social system, also appeared amongst Muslims. However, the intensity with which they were observed differed from area to area. More than 80 per cent of the Muslims were converts from the local Hindu and tribal stock. The Muslim population made up less than one-quarter of the total population despite several centuries of domination. Consequently, Indian Islam developed many forms which clearly reflected the influence of local cults and beliefs.[7]

The overwhelming majority of the Muslims were Sunnis who predominantly followed the Hanafi *Fiqh*. These Hanafis, however, belonged to different sub-sects and ritualistic sub-divisions. There were followers of strict orthodoxy and also those who indulged in various forms of vulgar superstition. Among the several Sufi Orders, some developed quite

distinct meditative practices borrowed from ancient Persian and Indian cults, although they were usually associated, in a nominal sense, with Sunni beliefs.

At the same time, a Shia minority obtained throughout India. The majority of the Shias belonged to the Ithna Ashari sect. Some minor Shia sects were settled along the coastal towns of western India. The Shia Persian nobility of upper India was often involved in conflicts with Sunni Turanian and Afghan nobles. In the early eighteenth century Wahabi puritanical ideas entered India. These ideas influenced profoundly some leading Sunni scholars, who initiated radical reforms among their disciples, aiming at an expulsion of all 'non-Islamic' accretions.

During the long feudal phase when Muslim rule existed, the structure of power had the king/emperor at the pinnacle of the power pyramid. The *ulama* formed part of the traditional consultative assembly. The nobility headed the various tiers of the military establishment. Hindu chieftains and bankers at times held important positions in the state hierarchy.[8] While the emperor headed this power hierarchy, a number of lesser princes and warlords, both Muslim and Hindu, retained their local domains, so long as they paid a tribute and acknowledged the over-lordship of the emperor.

The guardians of orthodoxy were the *ulama*. When the liberal Mughul Emperor Akbar (1556–1605) started deviating substantially from the *Sharia*, and began instead to patronize free-thinkers, orthodoxy was stirred. During the reign of his son Jahangir (1605–27), a puritan reformer Ahmed Sirhindi preached strict adherence to the sacred law, and was especially critical of Shia heterodox beliefs. He decried the indulgent style of the Mughul Court and antagonized Jahangir, who incarcerated him.[9]

Later, during the decline of Muslim power, Shah Waliullah (1702–63) emerged as an outstanding scholar-reformer who predicated a return to the original purity of Islam. He was not just a scholar of theology and law, but a social thinker with a keen sense for economic reforms. Without economic justice, he asserted, the social purpose of Islam could not be fulfilled. He emphasized the need for *ijtihad*, decrying the convention of closing of the gates of *ijtihad*. He criticized the contemporary *ulama* for their elaborate rites and rituals, which he believed were not part of the *Sharia*, but un-Islamic innovations.[10]

Waliullah opposed close association between Hindus and Muslims, stressing the need for ideological exclusiveness of the Muslim community. On the other hand, he tried to improve the relations between Sunnis and Shias, by adopting a less hostile attitude towards Shia beliefs. The influence of Waliullah on later Muslim thinkers is considered immense, and the roots of Muslim separatism in the modern period are traced back to his preachings.[11]

British India

The British advance into India was realized through military superiority, cunning diplomacy and the benefit of modern technology and organization. They were confronted by a decadent Indian ruling class, bereft of a will to struggle. Except for a few patriotic leaders, the rulers, princes, landowners and other nobles numbering several hundreds were open to British manipulation. After the Battle of Plassey in 1757 in which the ruler of Bengal, Siraj-ud-Daula, was defeated by Robert Clive, nothing could stop the British annexation of India.

In 1857 a popular uprising took place against the British originating as a mutiny of the Indian soldiers of the British East India Company. However, several disgruntled native rulers, fearful of the annexation policies of the British, also joined this struggle. The religious-minded circles were also attracted by this opportunity to throw off the British yoke. European missionaries were, at that time, engaged in hectic conversion campaigns in which they insulted the beliefs of the various communities.[12]

However, the uprising lacked proper planning and central leadership. Many princes sided with the British, while participation of the people was sporadic and spontaneous. The Mughul Emperor, long since reduced to a mere ceremonial figure-head, was proclaimed as the legitimate ruler of India by the rebels. The *ulama* issued a *fatwa* declaring the struggle a *jihad*.

The uprising was crushed ruthlessly. The Mughul Empire was abolished, and thus the symbol of Muslim domination came to an end. Most of the old aristocracy was dispersed and vengeance was wreaked on rebellious Muslims, Hindus and others. But the general feeling was that the Muslims were the main force behind the uprising. Jawaharlal Nehru writes: '. . . the heavy hand of the British fell more upon the Moslems than on the Hindus.'[13] Subsequently the Muslim community suffered set-backs in the social, economic and political fields, which came under Hindu domination.

The modern secular state

The uprising had far-reaching effects on British policy. By an Act of Parliament, known as India Act 1858, the government of the East India Company was dissolved and India was placed directly under the Crown. In the Queen's proclamation of November 1, 1858, future British policy was spelled out. There were to be no more annexations. The native states were granted internal autonomy. Full religious freedom was guaranteed to Indian subjects. Natives were to be recruited into government services

in greater numbers, without regard to race or creed. In future, when framing laws, due regard was to be shown to: 'the ancient rights, usages and customs of India.'[14]

This basic policy statement fashioned British strategy till the coming of independence. The earlier attempts to spread Christianity through the influence of the administration were abandoned since this had offended the indigenous opinion deeply. The legal and constitutional machinery which evolved prescribed a secular form of government. In 1864 the Islamic judicial system of Qadis was abolished, and the scope of the *Sharia* was limited to Muslim worship, family and inheritance matters. This was a drastic set back to the status of the *ulama* who were thus alienated from the state.

On the other hand, the modern middle-class which developed during this period was trained in British schools and colleges, and acquired many Western ideas, including the notions of nationalism and responsive government. It was this class which provided the leadership to both the Congress (founded 1885) and the Muslim League (founded 1906).

The Muslim community during British rule

While the *ulama* remained hostile to the British, the upper class Muslims were persuaded by Sir Syed (1817–98), a loyalist servant of the British East India Company, who saved many English lives during the uprising, to seek a rapprochement with them. Sir Syed initiated the modernist movement among Muslims. He assumed the radical position that there could be no contradiction between Islam and reason, since Islam was a rational religion based on the laws of nature.[15] He denounced all superstitious practices rampant among the Muslim community, urging them to acquire modern scientific knowledge and Western skills.

Sir Syed warned the Muslims not to join the Congress which he believed was a Hindu organization. He insisted that Hindus and Muslims were two separate nations. Through his efforts several modern Muslim educational institutions were established. Aligarh in particular became the centre of Muslim modernism. However, the bold forward-looking reformist attitude towards religion introduced by Sir Syed, was not developed further by later modernists. They tended to accommodate traditional scholastic beliefs within their modernism.

Syed Ameer Ali, an able scholar of Islam, wrote glorious histories of Muslim achievements of the past. Although himself a Shia, Ameer Ali showed profound admiration in his writings for the first two pious caliphs. His aim, it seems, was to promote Shia-Sunni amity.[16]

Several other modernists contributed to the creation of a new Muslim identity which glorified the Muslim civilizations of the Umayyads, the

Abbasids, the Fatamids of Egypt and the Umayyads of Spain, and stressed the just system established by the Prophet and followed-up by the pious caliphs. Islam was interpreted as a progressive faith, capable not only of keeping pace with the rest of the world but even of leading it. Consequently Muslim dogma was relegated to insignificance and instead, a grandiose image of a great past was strongly implanted among the new generations of educated Muslims. To this was added the fiction of a remote foreign origin, which many Muslims started claiming. In all this, the fact that they were also Indians became a fortuitous datum. This peculiar development was the embryonic gestation of Muslim nationalism. In a way, this separatist direction taken by Indian Muslims was reinforced by the emergence of organized Hindu nationalism in the form of the Arya Samaj and Hindu Mahasabha.

Another type of Muslim leader, Jamaluddin Afghani (1838/39–97), a roving champion of Pan-Islamism, travelled in various parts of the Muslim world urging influential Muslims to form a united front against European domination.[17] Afghani was not able to win many converts in India, largely because Sir Syed succeeded in isolating him. However, his anti-imperialist ideas influenced many later Muslims, including the poet-philosopher Iqbal.

The Sunni *ulama* were divided into several sub-sects. The majority were Berelawis who followed a moribund and anti-intellectual form of Islam based on saint worship and other superstitions. In many ways it was a form of Islam that had achieved the greatest degree of Indianization. It had a strong hold over the simple masses, especially amongst the peasants.

In 1867, an orthodox Sunni seat of learning was established at Deoband in northern India. The Deobandis were strict followers of the *Sharia* and resented the modernists' close links with the British. The Deobandis remained loyal to the Congress which was considered a nationalist organization struggling for the liberation of the homeland. On the other hand, the idea of Pakistan was dismissed as a ploy of the loyalist modernists, meant to win them their own mundane power. In the 1940s campaign for Pakistan, the Muslim League utilized the doctrinal differences between the Berelawis and the Deobandis and succeeded in winning over the former to the cause of Pakistan.[18]

The ideology of Muslim nationalism

Wilfred Cantwell Smith makes this succinct remark on Muslim communalism which developed into the ideology of Muslim nationalism:

Communalism in India may be defined as that ideology which has emphasized as the social, political and economic unit the group of adherents of each religion, and has emphasized the distinction even the antagonism, between each group; the

words 'adherents' and 'religion' being taken in the most nominal sense. Muslim Communalists, for instance, have been highly conscious of the Muslims within India as a supposedly single, cohesive community to which they devote their loyalty—paying little attention to whether the individuals included are religiously ardent, tepid, or cold; orthodox, liberal, or atheist; righteous or vicious; or whether they are landlord, prince or proletarian; also paying little attention to Muslims outside of India.[19]

The Muslim League was founded in 1906 by the Muslim upper strata who feared Hindu domination in a democratic system based on majority rule. Initially the Muslim League demanded weightage in numbers and fixed quotas for Muslims in government services, municipal councils, legislative assemblies and other public bodies. Separate electorates were introduced, on its request, for the various communities. It cooperated with the Congress on many national issues *vis-à-vis* the colonial government. However, it was wary of the Congress' all-embracing tendencies, especially the latter's claim to represent all Indians. The League asserted its credentials of being the representative of the Muslim community, and alleged that the Congress was a Hindu organization. On the other hand, many leading Muslims were prominent leaders of the Congress and it could therefore legitimately claim a non-communal identity.

Allama **Dr Sir Muhammad Iqbal (1876–1938)**

The idea of a separate Muslim state is generally associated with the poet-philosopher, Allama Iqbal. Born in Sialkot in the Punjab in a poor family, Iqbal proved to be a gifted student. He studied at Cambridge, obtained a British law degree and a Ph.D in Persian metaphysics from Germany. His poetic talent caught the limelight quite early and Iqbal soon emerged as the leading Muslim thinker of the subcontinent at the beginning of the twentieth century. Although he started as an Indian nationalist who sang praise for his homeland, Iqbal moved in a Muslim separatist direction and became its most learned exponent. The sweep of his ideas touched many societal matters. However, despite great vigour and force in his reflections, it is difficult to identify any one particular comprehensive message that he gave to his audience. That he looked towards Islam for solutions to the problems facing the Muslim community is probably the best way to describe his theoretical propensity.

Iqbal was deeply distressed by the dehumanizing nature of European capitalism. The wars among European nations and the predatory nature of the capitalist system around the turn of the century, in which millions of human beings lived in miserable squalor, led him to condemn repeatedly capitalist practice. Being himself a member of a colonized people, he held no brief for colonialism.[20] But in his contempt for capitalism, Iqbal made

some damning observations on democracy: democracy was a system in which heads were counted and not weighed. Furthermore, he pointed out that Western democracy was a manipulative instrument which the bourgeoisie employed to hoodwink the people, since the parliaments only function in the interests of the ruling class. He preferred the rule of a benevolent dictator to the facade of capitalist democracy.[22]

While Iqbal was quite vociferous in the condemnation of capitalism, he was emphatic about his preference for social democracy which he believed was commensurate with Islam. He observed: 'If Hinduism accepts social democracy, it must necessarily cease to be Hinduism. For Islam the acceptance of social democracy in some suitable form is not a revolution but a return to the original purity of Islam.'[22] However, he dispelled all rumours that he had anything to do with atheistic socialism. While praising the Bolsheviks, he reiterated his basically religious attitude towards phenomena in the following words: 'The present negative state of Russian mind will not last indefinitely, for no system of society can rest on an atheistic basis.'[23]

It is doubtful if Iqbal ever attempted any serious study of socialist economics. His praise for socialism was emotive and stemmed from his concern for social justice. In this regard, he came out openly in favour of the rights of the workers and peasants, expressing abhorrence for any economic system that exploited the labour of the working people. On the land question, he emphasized that in Islam land belonged to God and therefore the fruits of agricultural labour should rightly go to the tiller.[24]

Iqbal's passion for Islam pervaded the perspective from which he cognized, understood and analysed phenomena. He was an ardent champion of the freedom of *ijtihad* which he believed should be exercised by every generation of Muslims to grapple with the problems facing them.[25] However, it is difficult to gauge how radical a reformer Iqbal was for he retained many conservative Islamic notions. In particular, his lack of interest for the emancipation of women is indicative of a conservative streak in his thought. Wilfred Cantwell Smith distinguishes between a progressive and a reactionary dimension in Iqbal's thought.[26]

Iqbal believed that if religion is divorced from politics the result is tyranny. The ethical basis of the policy was stressed by him. In 1926 he delivered six lectures in Madras. About the relationship between Islam and politics, he observed:

> In Islam the spiritual and the temporal are not two distinct domains . . . Islam is a single unanalysable reality which is one or the other as your point of view varies . . . The State according to Islam is only an effort to realize the spiritual in a human organization. It is in this sense alone that the State in Islam is a theocracy, not that it is headed by a representative of God on earth who can always screen his despotic will behind his supposed infallibility.[27]

Iqbal and Muslim nationalism

Islam, for Iqbal, was a universal faith with all the potential to weld the different races and people of the world into a single brotherhood. Ideally, the aim of Islam could be realized only with its acceptance by the whole world. But as this was not possible at that time, he wanted to see the consolidation of the Muslim nations in the various parts of the world into specific territorial entities as the basis for the merger into a universal commonwealth in the future.[28]

In his presidential address at the 1930 annual session of the Muslim League, Iqbal asserted that the Muslims of India had every right to full and free development on the lines of their culture and traditions. To apply the principles of Western democracy to India without recognizing the fact of different communal groups would be a mistake, and it could lead India to a civil war. He stressed that Islam alone could be the moral basis of a Muslim polity and the sole measure of Muslim nationhood.

He presented his view of the Muslim state in the following words:

> The Muslim demand for the creation of a Muslim India within India, is ... perfectly justified ... I would like to see the Punjab, North-West Frontier Province, Sind and Balauchistan amalgamated into a single State. Self-government within the British Empire or without the British Empire, the formation of a consolidated North-West Indian Muslim State appears to me the final destiny of the Muslims, at least of North-West India.[29]

He asserted that such a state would not be based on hostile communalism directed against India, but would rather provide excellent defence of the subcontinent from attacks from the north-west. Iqbal did not outrightly reject the idea of the Muslim state remaining in some form of political union with the rest of India. A 33 per cent representation was demanded for the Muslims in an all-India Federal Assembly.[30]

In a letter to Jinnah Iqbal took up the problem of Muslim poverty:

> The atheistic socialism of Jawahar Lal [Nehru] is not likely to receive much response from the Muslims. The question therefore is: how is it possible to solve the problem of Muslim poverty? ... Happily there is a solution in the enforcement of the Law of Islam and its further development in the light of modern ideas. After a long careful study of Islamic law I have come to the conclusion that if this law is properly understood and applied, at least the right of subsistence is secured to everybody. But the enforcement and development of the *Shariat* of Islam is impossible in this country without a free Muslim state or States.[31]

Iqbal's populism: an appraisal

While Iqbal did not produce a rigorously worked out philosophy he succeeded in affecting a political ideology that set in motion social forces

that hitherto lacked a common basis for action. He employed sophisticated philosophical categories to argue his case for Islamic revivalism. The *ulama* listened approvingly to his defence of the *Sharia*. His insistence on *ijtihad* at a time when India was still under the British did cause some concern among the *ulama* but they were largely content with his basically religious mode of thought which acted as a censure on the secular trends among influential Muslims.

To the Muslim intelligentsia he gave a romantic egalitarian vision to nurture. This vision was laced with an idealized recital of the heroic Islamic past which Iqbal articulated with his Urdu and Persian poetry, in a style quite inimitable. These Muslims, coming from the modest middle-class stratum were dazed by the powerful Islamic symbolism which Iqbal employed. Instead of the dry ritualized dogma of the *ulama*, he emphasized the social dynamism of Islam, an Islam which had created equality between the rich and poor, Arab and non-Arab in the heroic age. In a situation where this petty middle-class intelligentsia lived in subjugation to the British colonial rule, ignored by the upper middle-class Muslim elite, hating the Hindu middle-class which was economically stronger and firmly entrenched in the government services and trade, and despising the *ulama* who predicated virtuous conduct to hungry jobless Muslims, Iqbal's ideas brought a new sense of dignity and importance.

To the upper middle-class Muslims who found the Hindu professional, business and entrepreneur classes too strong and had historically sought government protection in the form of separate electorates, reservations of seats in public bodies and state services, he was suggesting a way out of this domination by proposing the creation of a Muslim state.

As a bridge between orthodox Islam and modernism, Iqbal's populism provided a grand ideology, a phantasmogoria in which all sections of the Muslim community could find their images. And since he did not get down to concrete prescriptions about how to organize Muslim society, but remained at the level of optimistic speculation, the generality of his thought has effected considerable controversy over his message. Besides referring to the Quran and *Sunna*, it is a common practice among Pakistani writers to find support for their standpoints by referring to some corresponding opinion of Iqbal. His status in Pakistan is comparable to that of Abduh among the Arabs.

Chowdhary Rahmat Ali

In 1933 Chowdhary Rahmat Ali, a Punjabi student at Cambridge University, issued a pamphlet, *Now or Never*, in which he claimed that the Hindus and Muslims were two distinct nations with completely different social systems. Therefore, the creation of a separate independent Muslim

state was necessary. He took the first letters of Punjab, Afghania (North-West Frontier Province) and Kashmir to get PAK. He added ISTAN to represent Sindh and Balauchistan and coined the name PAKISTAN.[32] This was an ingenious construction. *Pak* means pure in Urdu, and thus Pakistan suggested obliquely: the land of the Pure, with all the connotations of doctrinal purity. Rahmat Ali considered himself the originator of the idea of an independent Muslim state, since Iqbal had not overruled union with India in some form.

The struggle for Pakistan

The freedom movement in the subcontinent developed over a period of more than half a century. The British conceded responsive government in successive stages through a number of constitutional reforms which increased Indian participation. The Government of India Act of 1935 had introduced a federal structure of government. Although real powers remained with the colonial government, with the Governor-General as the real authority, wholly elected ministries were introduced in the provinces. The provinces were to elect the members of the Federal Assembly.

In the 1930 annual session of the Muslim League at Allahabad where Iqbal demanded a Muslim state in his presidential address, the League did not even have its quorum of 75 members. By 1944 it was claiming a membership of two million.[33] This dramatic breakthrough for the League came after it began a mass contact campaign, following its complete rout in the 1937 provincial elections in which it won only 108 Muslim seats out of a fixed quota of 484 seats. Moreover, it lost in the Muslim majority provinces of Punjab, Sindh and the North-West Frontier. Only in Bengal did it make some noticeable gains. Regional Muslim parties won most of the Muslim seats.

The Congress emerged as the overall winner and formed ministries in her majority provinces. It is claimed that the provincial branches of the Muslim League and the Congress in the United Provinces (now known as Uttar Pradesh) had reached an agreement to form a coalition ministry in the province. However, after the Congress won a thundering victory, it repudiated this pact and instead demanded that Muslim League members should first resign their membership and join the Congress before they could be considered for a ministerial post.[34] This alleged breach of trust was assailed by the League as an indication of the Congress' expansionism. The Muslim League launched a massive campaign against alleged Hinduization policies of the Congress governments. Inquiry reports published by the League claimed to provide data of anti-Muslim policies of the Congress.[35]

In 1939, the Congress ministries resigned after Britain forced India into the Second World War without consulting the Indian leaders. The Muslim League celebrated this event as a Day of Deliverance. Later, in 1942 when Gandhi started the Quit-India movement practically the whole Congress leadership was put in gaol. This left the field open to the Muslim League.

The Lahore Resolution

On 23rd March 1940, the Muslim League in its annual session at Lahore passed a resolution which stated:

Resolved that it is the considered view of this session of the All-India Muslim League that no constitutional plan would be workable in this country or acceptable to the Muslims unless it is designed on the following principle, viz., that geographically contiguous units are demarcated into regions which should be so constituted with such territorial adjustments as may be necessary that the areas in which the Muslims are numerically in a majority, as in the north-western and north-eastern zones of India, should be grouped to constitute 'independent states' in which the constituent units shall be autonomous and sovereign.[36]

The resolution, as is evident, was couched in equivocal language, possibly with a view to facilitate bargaining between different forces among the Muslim community. More than one state, it seems, was envisaged. Further, autonomous and sovereign status was being offered to the constituent units. This indicates a loose federation, or rather, a confederation. These terms were in all probability meant to woo the powerful regional Muslim interests in the Punjab, Sindh, North-West Frontier Province and Bengal. But what is perhaps most noteworthy is the omission altogether of any clause/clauses about the creation of an ideological Islamic state. It seems, that there was no idea of creating a doctrinal state at that time.

The idea of a Muslim state, after the Congress had once been in power, began to attract Muslim interests all over the subcontinent. From a party of the gentry, the Muslim League became a popular party with a broad social base. Jinnah toured all over India talking to Muslim leaders. The Punjab was won over. In Sindh, where the Muslim League did not even have a provincial branch until 1938, many Sindhi leaders were persuaded by Jinnah to join it. Jinnah was able to convince the regional leaders that they would get greater autonomy in Pakistan than in a united India in which the big Hindu industrialists of Bombay and Bengal would be too strong for them. Only in the overwhelmingly Muslim North-West Frontier Province did this strategy fail to win over the dominant Muslim party of Abdul Ghaffar Khan, who remained loyal to the Congress.[37]

After the War, elections were held again in 1945. Independence was imminent and both the Congress and the Muslim League contested the

elections from two opposite platforms. The Congress stood for a united India and the Muslim League for the creation of a separate Pakistan. The Muslim League used Islamic slogans profusively to rouse Muslim support. A Deobandi *alim* Shabbir Ahmad Usmani was won over in 1945. Berelawi divines were enrolled in the Punjab, Sindh and the Frontier Province. Several League leaders were presented as *pirs* (religious mystagogues) to the peasants. These '*pirs*' told their simple audiences that supporting Pakistan was an act of religious faith. Those Muslims who remained outside the Muslim League were called traitors and renegades to Islam.[38]

These tactics were immensely effective and the Muslim voters gave a clear verdict in favour of Pakistan: 440 Muslim seats were won by the Muslim League out of a total of 495. It won landslide victories in all the Muslim majority provinces except the North-West Frontier.[39] In this complete metamorphosis the role of Mohamed Ali Jinnah was pivotal.

Mohamed Ali Jinnah (1876–1948)

The undisputed leader of the Pakistan Movement was Mr Jinnah, who was popularly acclaimed as the *Quaid-i-Azam* (Great Leader) by his followers. Once celebrated as the ambassador of Hindu-Muslim unity, later Jinnah championed the cause for a Muslim state with great perseverance and resolution.

Born in the ethnic minority of Khoja Shias, Jinnah had little to do with religious dogma in his personal life. Later when he assumed the role of a mass leader, Jinnah could be seen participating in the Friday prayers along with Sunni Muslims. He managed to secure the support of many influential *ulama* and divines, assuring them that the *Sharia* would be observed by the Muslim state. In a letter to Pir Sahib Manki Sharif, a powerful *pir* of the Frontier region Jinnah wrote: 'It is needless to emphasize that the Constituent Assembly which would be predominently Muslim in its composition would be able to enact laws for Muslims, not inconsistent with the *Shariat* laws and the Muslims will no longer be obliged to abide by un-Islamic laws.'[40]

On the other hand, Jinnah declared several times that Pakistan would not be a theocratic state but a modern democracy. On 11 August 1947, three days before independence, Jinnah committed himself openly to secularism and democracy, while addressing the members of the Pakistan Constituent Assembly:

> The first and foremost thing that I would like to emphasise is this—remember that you are now a Sovereign Legislative body and you have all the powers . . . Now, if you want to make this great State of Pakistan happy and prosperous we should wholly and solely concentrate on the well-being of the people, and especially of the masses and the poor . . . If you change your past and work together in a spirit

that every one of you, no matter to what community he belongs, no matter what relations he had with you in the past, no matter what is his colour, caste, creed, is first, second and last a citizen of the State with equal rights, privileges and obligations there will be no end to the progress you will make... We should begin to work in that spirit and in course of time all these angularities of the majority and the minority communities, the Hindu and the Muslim community—because even as regards Muslims you have Pathans, Punjabis, Shias, Sunnis and so on and among the Hindus you have Brahmins, Vashnavas, Khatris, also Bengalees, Madrasis, and so on—will vanish ... You are free to go to your temples, you are free to go to your mosques or, to any other places of worship in this State of Pakistan. You may belong to any religion or caste or creed—that has got nothing to do with the business of the State ... We are starting with this fundamental principle that we are all citizens and equal citizens of one State... Now, I think we should keep that in front of us as our ideal and you will find that in course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State.[41]

A more candid statement in favour of secularism and against notions of a religious state is difficult to find. Yet desite this declaration, the speech contradicted the whole rationale of Pakistan. Muslim nationalism was based on religion and Jinnah and all other Muslim League leaders had used Islam in their legitimation of the demand for a separate state. Therefore Jinnah's discourse on a secular state was hardly consistent with the logic of Pakistan. If Pakistan was a state of the Muslim nation then it implied that non-Muslims would be second-class citizens. In any case, by very definition, non-Muslims could not be a part of the Muslim nation. What Jinnah was suggesting probably, was the replacement of the idea of a Muslim nation with a territorial concept: the notion of a territorially-defined nation, i.e. a Pakistani nation including all people and religious communities living in Pakistan. In that case, Pakistan was to be a Muslim state only in an arithmetical sense—as the numerical majority. But the very ideology of Muslim nationalism, howsoever ambiguously formulated and wrapped in populist terminology, contained immanently a religious character.

Jinnah emphasized the need for fundamental socio-economic reforms in many of his speeches and statements. He preferred a welfare state dedicated to social justice. He warned landowners and other property-owners to desist from exploiting the poor. In Pakistan such a wicked system was not going to be tolerated.[42] At the same time, he came out strongly against Communists and radical Muslims who promoted extremist ideas from the League's platforms. Many left-wing Muslims had joined the League when the demand for Pakistan assumed a mass character.[43]

Besides the Quran, the *Sunna* and Iqbal, the ideas of Jinnah are considered authoritative in the Pakistani ideological parlance. Referring to his

statements and writings, as support for a particular assertion, is found frequently among Pakistani writers. The generality of thought is even more pronounced in Jinnah since he had to win over Muslim opinion which was ridden with sectarian, regional, ethnic and class differences, and this could be done, only through recourse to populist slogans and appealing promises.

Pakistan becomes an independent state

British India was partitioned in August 1947 to create the two sovereign states of India and Pakistan. The communal riots which attended the partition of the subcontinent resulted in the loss of more than half a million Hindu, Muslim and Sikh lives. The 1935 Act, as amended by the Indian Independence Act, 1947, was to serve as the interim constitution for both India and Pakistan, until they framed their own constitutions. Sovereign legislative and constitutional powers in Pakistan devolved upon the Pakistan Constituent Assembly. Its members were drawn from the Constituent Assembly elected on an all-India basis in 1945–6, and included both Muslim Leaguers who became the majority party, and the minority comprising the Hindus from East Pakistan who belonged to the Congress.

On 14 August 1947 Pakistan became an independent state. It consisted of two wings separated from each other by more than a thousand miles of Indian territory. East Pakistan (which seceded to become the independent state of Bangladesh in late 1971) presented ethnic homogeneity being the homeland of the Bengalis, who alone formed a numerical majority greater than the total population of all other nationalities put together. West Pakistan comprised four major ethnic nationalities, Punjabis, Sindhis, Pukhtuns/Pathans and the Balauchs. More than two million Urdu-speaking refugees, besides several million Punjabis from East Punjab, came and settled in West Pakistan. The Urdu-speakers settled mainly in the port city of Karachi. They were well-entrenched in the civil services and became prominent in the cultural and intellectual fields.

Except for Sindh, where about half a million Hindus stayed behind, the rest of West Pakistan was emptied of Hindus and Sikhs who fled to India. In East Pakistan, however, about 23 per cent of the population continued to be Hindu. This meant that until 1971 about 14 per cent of Pakistan's population was Hindu.[44] Although official statistics on the sectarian composition of Pakistan have not been collected the Shia minority is believed to be between 10 and 15 per cent of the Muslim population.[45]

Pakistan meant different things to different people. To the landlords it meant continued leadership; to the doctrinal-minded Muslims, a unique opportunity to create an Islamic state in the light of their ideas; to the

Muslim intelligentsia and the poorer classes, a state where social and economic justice would prevail and their dignity established, according to Iqbalite teachings; to the peasants, freedom from the yoke of the Hindu money-lender; to the regional leaders, greater autonomy than was expected in a united India dominated by the Congress; to the Muslim bourgeoisie, the necessary environment where they could develop their potential, which seemed choked in a united India due to the many times greater strength of Hindu and Parsee capital based in Bombay and Calcutta; to the bureaucrats and the military, an excellent opportunity to secure quick promotions; and to the military establishment it brought a central role in a country where the civilian political process was dependent from the very beginning upon its support and active participation.

These various expectations generated considerable ideological debate. Since Pakistan was a confessional state, the government was under pressure from the *ulama* and other doctrinal-minded Muslims to give some tangible form to the state's professed 'Islamic way of life'. This ideological thrust had been the most powerful populist slogan with which the Muslim League succeeded in rousing support amongst broad sections of Muslims. Further, the creation of Pakistan had been attended by communal pogroms. All this contributed in bringing Islam into the centre of Pakistani politics.

The creation of Pakistan was a unique event in many senses of the word. Like Israel, it was the product of religious nationalism. But unlike the Zionist state, its territories were not the 'promised land'. On the contrary, Pakistan was a deviation from the Islamic ideal of a universal state. The creation of Pakistan divided the 'Muslim nation' of India into two separate entities. Muslims who remained in India (about 40 million Muslims stayed behind in India at the time of partition, their numbers now exceed 90 million) became 'Indians' and the Government of Pakistan did not encourage their *en bloc* influx into Pakistan. Those who lived in Pakistan became 'Pakistanis'. Non-Muslim Pakistanis were 'pakistanis' but obviously not part of the nation. Beyond the subcontinent the Muslim *umma* was spread all over the world. According to classical theory, all Muslims were part of a single universal brotherhood, but Pakistan introduced citizenship qualifications patterned on the usual criteria of birth and parentage followed by rest of the modern world.

The clash between the ideal and the actual, to borrow Shils' ideas on the emergence of ideology, in post-independence Pakistan was immense and Islam fitted in very well as an 'intellectualized religion'—the surest source of ideological politics and ideology (see chapter 2 under *Ideology and Other Related Thought Patterns*).

Notes

1. P. Hardy, *The Muslims of British India* (Cambridge: Cambridge University Press, 1972), pp. 1–2.
2. Ibid., pp. 139–242.
3. Ishtiaq Husain Qureshi, *The Struggle For Pakistan* (Karachi: University of Karachi, 1969), pp. 3–16.
4. Y. V. Gankovsy and L. R. Gordon-Polonskaya, *A History of Pakistan 1947–1958* (Lahore: People's Publishing House), p. 17.
5. Khalid bin Sayeed, *Politics in Pakistan* (New York: Praeger, 1980), pp. 8–16. See also P. Hardy, op. cit., pp. 226–42.
6. Francis Robinson, *Separatism Among Indian Muslims* (Cambridge: Cambridge University Press, 1974), pp. 10–32. See also P. Hardy, op. cit., pp. 5–11.
7. M. Mujeeb, *The Indian Muslims* (London: George Allen and Unwin Ltd., 1967), pp. 10–19. See also Ram Gopal, *Indian Muslims: A Political History* (Lahore: Book Traders, 1976), pp. 10–12.
8. M.Mujeeb, op. cit., pp. 26–55.
9. Ishtiaq Husain Qureshi, *Ulema in Pakistan* (Karachi: Mareef Ltd., 1974), pp. 85–98.
10. Hafeez Malik, *Moslem Nationalism in India and Pakistan* (Washington D.C.: Public Affairs Press, 1963), pp. 123–39.
11. Ibid.
12. Ibid. See also Ishtiaq Husain Qureshi, op. cit., pp. 182–4.
13. Jawaharlal Nehru, *An Autobiography* (London: The Bodley Head, 1955), p. 460.
14. Christine E. Dobbins, *Basic Documents in the Development of Modern India and Pakistan* (London: Van Norstrand Reinhold Company, 1970), pp. 19–22.
15. M. S. Jain, *The Aligarh Movement* (Karchi: Karimsons, 1979), pp. 92–110. See also Aziz Ahmad, *Islamic Modernism in India and Pakistan 1857–1964* (London: Oxford University Press, 1967), pp. 40–56.
16. Aziz Ahmad, op. cit., pp. 86–97.
17. Ibid., pp. 126–9.
18. See David Gilmartin, 'Religious Leadership and the Pakistan Movement in the Punjab', in *Modern Asian Studies Volume 14* (Cambridge, 1979), pp. 485–517.
19. Wilfred Cantwell Smith, *Modern Islam in India* (Lahore: Sh. Muhammad Ashraf, 1963), p. 173.
20. See Jan Merek, 'Perceptions of the West', in Hafeez Malik (ed.), *Iqbal Poet-Philosopher of Pakistan* (New York: Columbia University Press, 1971), pp. 159–73.
21. See Riffat Hassan, 'Development of Political Philosophy', in Hafeez Malik (ed.), *Iqbal Poet-Philosopher of Pakistan*, pp. 155–8; and also Freeland Abbot, 'View of Democracy and the West', pp. 174–83.
22. G. Allana, *Pakistan Movement: Historical Documents* (Lahore: Islamic Book Service, 1977), p. 143.
23. Quoted in Riffat Hassan, op. cit., in Hafeez Malik, *Iqbal Poet-Philosopher of Pakistan*, p. 154.
24. Parween Feroze Hassan, *The Political Philosophy of Iqbal* (Lahore: Publishers United Ltd.), pp. 231–56.
25. Sir Muhammad Iqbal, *The Reconstruction of Religious Thought in Islam*

(Lahore: Sh. Muhammad Ashraf, 1960), see the article, 'The Principle of Movement in the Structure of Islam', pp. 146–80.
26. Wilfred Cantwell Smith, op. cit., pp. 105–54.
27. Sir Muhammad Iqbal, op. cit., pp. 154–5.
28. Hafeez Malik, *Iqbal Poet-Philosopher of Pakistan*, pp. 137–52. See also Parween Feroze Hassan, op. cit., pp. 182–208, 209–30.
29. Syed Sharifuddin Prizada (ed.), *Foundations of Pakistan: All-India Muslim League Documents, 1906–1947, Volume 2* (*1924–1947*) (Karachi: National Publishing House Ltd., 1970), p. 159.
30. Ibid., pp. 163–4.
31. G. Allana, op. cit., p. 142.
32. Ibid., pp. 116–18.
33. Khalid bin Sayeed, *Pakistan: the Formative Phase 1857–1948* (hereafter referred to as *Pakistan: the Formative Phase*) (Karachi: Oxford University Press, 1978), pp. 176–8.
34. Ibid., pp. 84–6.
35. Ibid., pp. 88–92, 96–8.
36. G. Allana, op. cit., pp. 226–7.
37. Erland Jansson, *India, Pakistan or Pakhtunistan?* (Uppsala: Acta Universitatis Upsaliensis, 1981), pp. 147–52.
38. Khalid bin Sayeed, *Pakistan the Formative Phase*, pp. 203–6.
39. G. Allana, op. cit., p. 396.
40. Quoted in, *The Constituent Assembly of Pakistan Debates, Volume 5, 1947*, p. 46.
41. Jamiluddin Ahmad (ed.), *Speeches and Writings of Mr. Jinnah, Volume 2* (Lahore: Sh. Muhammad Ashraf, 1976), pp. 400–4.
42. Khalid bin Sayeed, *Pakistan: the Formative Phase*, p. 209.
43. Jamiluddin Ahmad, op. cit., p. 24.
44. Y. V. Gankovsky and L. R. Gordon-Polonskaya, op. cit., p. 97.
45. Freeland Abbot, *Islam and Pakistan* (New York: Cornell University Press, 1968), p. 105. See also, Wilfred Cantwell Smith, op. cit., p. 344.

PART III

5 The sacred state excluding human will

The absolutist position seeking revival of traditional Islam

The statement of the ulama

An Islamic state is based on the sovereignty of Allah. This means that it cannot be a democratic state: a democratic state being founded in an ideal sense on popular will and the sovereignty of the people.[1] The *Sharia* forms the complete code of social and individual conduct. It provides the constitutional and legal structures and the social and moral norms, with detailed instructions on every aspect of life. God had not omitted any facet of human life from His scheme.[2] By following the procedures perfected by the *Imams*, a present-day Islamic state engages in law-finding and not law-making. However, this responsibility cannot be left to laymen, only the outstanding *ulama* can exercise this right. An Islamic state is fully equipped to deal competently with all complexities of modern life.[3] All existing Islamic laws upon which the consensus of the community has been reached in the past are binding upon the later Muslims. Such law is protected from error and limited relevance by the fact that it is based on revelation, which is always true and therefore not subject to change.[4]

Thus the modern ideas of national sovereignty belonging to the State of Pakistan, legal sovereignty residing in the national parliament and popular sovereignty belonging to the people of Pakistan are wholly inapplicable to an Islamic state. Therefore, there was no place in Pakistan for a sovereign legislature. Any idea of democracy or secularism is therefore out of the question. The principles of secular democracy are diametrically opposed to the fundamentals of an Islamic state.[5]

Since an Islamic state is based on a distinct ideology, it follows logically that only those who believe in such an ideology should be entrusted with responsible positions in the state services.[6] Non-Muslims, living in an Islamic state belong to the category of protected minorities: the *dhimmis*. The majority of the *ulama* thought that all the Pakistani *dhimmis* should be made to pay the *jizya*. However, some *ulama* were of the opinion that since the Pakistani *dhimmis* were not a conquered people but those non-Muslims who voluntarily chose to live in the Islamic state, they should be treated as *muahids* (people with whom an Islamic state has an agreement), and exempted from the *jizya*.[7]

All the *ulama*, except the Shias, believed that the Medinese state under the pious caliphs was the ideal Islamic state. However, dynastic rule was not declared categorically a corruption of the Islamic model, but rather, certain pious *sultans* were deemed worthy examples of good Muslim rulers. The Shias rejected the caliphate of the first three successors of the Prophet. The crux of an Islamic state lies in the fact that the *Sharia* is supreme in it.

There was complete agreement among all the scholars that apostasy was punishable with death in Islam. This implied that all members of the Ahmadiyya sect, who did not inherit their false beliefs from their parents, but abandoned Islam as majors, could potentially be put to death if they persisted in their treachery to Islam.[8] Since the basic purpose of an Islamic state is to prepare the individual for the life in the hereafter, therefore, the matter of religious convictions cannot be left simply to the private choice of the individual. Furthermore, during the time of the pious caliphs, apostasy was considered an act of treason. This precedent thus applies to all subsequent Islamic states.[9]

The doctrine of *jihad* is as valid today as it was before, and given the required conditions, it is obligatory upon an Islamic community.[10] All Muslims have a right to come and settle in Pakistan. Since they cannot be loyal citizens of a non-Muslim state, the best solution is that they immigrate to an Islamic state.[11] As strict upholders of the *Sharia*, the *ulama* would root out all activities that violated the injunctions and spirit of the sacred law. Sculpture, painting of the human figure, photography, music, playing of cards, mixed acting, cinema, theatre, etc., will be prohibited by the state. Segregation of the sexes will be strictly observed. Society will be cleansed of all forms of un-Islamic behaviour.[12] However, in such a society there would be place for slavery. Enemy soldiers captured in battle could be turned into slaves.[13]

The statement of the Tanzim Islah-i-Pakistan

Relationship between Islam and the state

An Islamic state, according to the Tanzim Islah-i-Pakistan (Organization for the Reform of Pakistan): 'is a sacred Kingdom of Allah and the Holy Prophet Muhammad (Peace and blessings of Allah be on him) whose sole sovereign and law-giver is Allah, whose only law is Allah's will as it appears from the Holy Quran and Sunnah which are the eternal and immutable law governing the Muslim Umma till the Day of Judgement.'[14] Explaining further the significance of such a belief the Tanzim states:

> Not only the injunctions but every word of the Holy Quran binds the Muslim. A denial of one word means apostasy. Any order or so called law or direction,

declaration or statement which is in conflict with the Holy Quran and Sunnah is void and of no legal effect. Government is carried in this State only in His name and on His Behalf . . . No one claims in this State that he has authority other than that derived from Allah. All persons and all officers owe allegiance only to Allah . . . There is no room in this Islamic State for secular politics or politics for power, nor is there any room for political parties and for electioneering campaigns . . . It is to be remembered that the Muslims are an army and they are fighting the army of Satan and any politics which affects the solidarity of the *umma* cannot be permitted.[15]

The Tanzim justifies its contentions by quoting several verses from the Quran and a number of *hadiths* of the Prophet. Special emphasis is given to two *hadiths*: 'Faith is a mansion and the State is its guard' and 'Islam and the State are twin brothers.'[16]

The purpose of human life is to worship Allah. This purpose is fulfilled only if Man surrenders himself completely to the dictates of God. However, God has commissioned the state to enforce His commands on earth. This implies that offenders have to be penalized. Hence the state is the guarantee of the continued sovereignty of God on earth.[17]

Purpose of the creation of Pakistan

Asserting that Pakistan was created for the sole purpose of creating a model Islamic state, the Tanzim deplores that:

When we examine how the governments of this country have acted in relation to their duty to realize the ideology of the State we are faced with an amazing situation. In the whole of human history it will not be possible to find an example of such divergence between word and deed . . . Not only was no step taken in this direction but we have been moving away from Islam . . . The main cause of this is secular politics. Between Islam and secular politics there is a direct contradiction.[18]

The political structure

The Tanzim states explicitly that there is no room for democracy in an Islamic state. Nothing comparable to the modern legislature is possible. This point is stressed and put forth in the following words: 'There is no such thing as a man-made law in an Islamic state. Even the Holy Prophet (peace and blessings of Allah be on him) possessed no powers of legislation proper though whatever he said was binding.'[19] For every act and thought the sacred law provides guidance. Attention is drawn towards some Quranic verses which state that nothing has been omitted by the Quran: 'All things have We explained in detail', Quran ch. 17: 12; 'Nothing have We omitted from the Book', Quran ch. 6: 38.[20]

However, while there is no place for law-making in an Islamic state, there would always be the need for the interpretation of divine injunctions. This would result in some law-making and law supplementation. But the right of such *ijtihad* would belong only to qualified experts who follow the Quran and the *Sunna*. This means that the judiciary would become the guardian of Islamic ideology. The *mujtahids* would head this judicial system forming the Islamic *ululamr*, i.e. those in authority.[21]

An Islamic state exists to see that the whole Quranic scheme of life is put into practice and realized. In this connexion, the enforcement of Islamic punishments is vital for these are blessings: 'The Holy Prophet said infliction of one Quranic penalty was equal to a downpour of mercy for forty days. The punishment is of great help to the offender for whoever is punished by the State in this world shall not be punished for the same offence in the hereafter.'[22]

Commenting upon the 1973 Pakistan Constitution which was the only constitution adopted by an elected legislature, the Tanzim states: 'The present Constitution is an infidel document for various reasons one of which is that it grants unlimited legislative powers to the majority of legislators.'[23]

The purpose of the state is: '. . . the realisation of human destiny, the achievement of forgiveness from Allah, saving from Hell and entering heaven . . . The Islamic State is different from other states whose objectives are material'.[24] An Islamic state distinguishes itself by the chastity of its officer corps who are nominated by the community. Justice is the chief virtue of such a state.[25] As an example of a good Islamic state the Tanzim mentions Saudi Arabia, where the *Sharia* is the supreme and only law of the land.[26] Among the main rights that a Muslim can claim of the state is the right to be governed according to Islamic ideology, as it helps him to secure his salvation. Thus he is saved from much greater punishment in the hereafter: 'Hell fire is many times hotter than the fire in this world and the Muslim possesses the right that all steps be taken by those in-charge of the State to save him from hell fire as he would have the right to be saved from the fire of this world.'[27] No mention is made of the position of non-Muslims or their rights in an Islamic state.

The economic system

While mentioning the duty of the state to provide the citizens with the necessities of life the Tanzim asserts: 'The life, the property and the honour of all Muslims are sacrosanct. No property can be acquired without adequate compensation.'[28] About fiscal policy the Tanzim authorizes the state to impose taxes for only 'legitimate expenses'. This is further made conditional upon the state conducting its affairs in accord-

ance with the Quran and *Sunna*. In case the state fails to live up to this standard it cannot claim any tax from the Muslims. Public welfare is then to be left to the voluntary and private will of the individuals.[29]

The social milieu

The Tanzim, while describing the vision of the good society based on complete reliance on divine will, makes a candid case for accepting the *status* quo: 'Another essential of faith is the belief that all that is happening in this world happens under Allah's orders and is the best for us. To complain of fate is to complain of Allah. We must completely resign ourselves to Him.'[30]

However, if Muslims were whole-heartedly to accept the sovereignty of Allah and build a society on that principle, He will give them all the good things and they will be the leading people of the world. It deplores the betrayal of the Pakistani power-wielders to implement true Islam. 'Had those who were in charge of the affairs of Pakistan done their duty we would today be on top of the world. We would today have in Pakistan a society of truth and justice and piety, versed in science and technology, a society . . . whose success has been guaranteed by Allah.'[31] To complain of the sad plight of Pakistan and to look for the causes of the present malaise in material causes, is to deny the omnipotence of Allah. According to true Islamic ideology one must accept: 'That our present condition is not the result of material causes, but of Allah's displeasure. Material causes are entirely subject to his control.'[32]

The Tanzim portrays the contours of an ideal Islamic society in the following words:

> The picture of the society that emerges from a study of the Quran and Sunnah, is that of a people with a staunch loyalty for Allah and a feeling of the close relationship between Him and them. They love Him and the Holy Prophet with all their hearts and souls. The mention of Allah creates a fear in them so that their hearts tremble (but this fear is of a kind entirely different from all other fears) and they are continuously remembering Him, sitting, standing and reclining, praying to Him, expressing their gratitude to Him resigning themselves to his decrees.[33]

Analysis

The absolutist view of the Islamic state is based on the assumption that God has expressed His will on all matters of individual and collective conduct. The Islamic laws discovered by the earlier generations on which consensus obtains are binding. Further, standardized procedures exist for law-finding in the present era, and for all future occasions. Therefore, technically, no situation can arise for which the *Sharia* has not provided guidance.

This renders the state a theocratic autarchy. Only such a theocracy does not confer any institutionalized formal sacred status on a Church, but, theoretically, on a perfect divine law which however, is dependent, not in its origin but in its interpretation—on the experts. The absolutists reject out of hand any idea of reform of the historically-evolved system of Islamic law. Also, no attempt is made to make such a state imitate modern democracy in any sense. Instead, the authoritarian, all-embracing application of the *Sharia* is prescribed.

While no mention is made of how the chief functionaries are to be recruited, the paraphernalia of a modern state for manning its various services, including elections, competitive examinations, political parties, etc., are rejected. This implies that the authority of the *ulama* hierarchy, which is often loosely constituted in terms of community mosques, will act as intermediaries in finding God-fearing men who have no personal ambition to power, but are willing to serve the common good if selected by fellow-believers. This suggests a subordination of civil society to the clericals at all levels of society. There could hardly be any other way of discovering qualified men for positions of authority, if the usual structures existing in modern society for recruitment are rejected.

In practical terms, this would mean the liquidation of all institutions and practices introduced in Muslim society through contact with the modern world. This, however, applies to ideas and values, not technology and 'science'. In such an autarchy harsh punishments, the inferior and secluded position of women, slavery, and *jihad*, not as a means of self-defence, but as a means of vanquishing the enemies of Islam, would be possible. Freedom of conscience, especially the freedom of religious belief, would not be available to Muslims. To non-Muslims it would mean institutionalized discrimination and could even mean the payment of the protection tax, *jizya*. What type of government would be appropriate for an Islamic state is not touched by the absolutists; its main distinguishing feature would be the supremacy of the *Sharia*.

However, even when these principles may find common acceptance among the absolutists it is no decided indication of a unity of action. Considering the fact that bitter conflicts exist among the *ulama* over fundamental beliefs and convictions, it can be assumed that these contradictions will not result in an Islamic state of the whole Muslim community, but possibly, in an oppressive sectarian polity. According to the Munir Report, no two *ulama* could agree upon a common definition of a Muslim. Each scholar had a different view on this matter, and accused one another of heresy.[34]

The overall stance of the absolutists on faith is that of unquestioning submission to revealed dictates. The Tanzim Islah-i-Islam even makes a principled point of accepting the *status quo*, asserting that fate is what

God decrees. Therefore, one can reasonably suspect that poverty, obtaining in a chronic form in Pakistan, is not viewed by them as a social evil demanding substantial human intervention, but rather as a divinely-imposed situation indicative of God's will. Such an attitude obviously cannot coexist harmoniously with the rational, or rather, the areligious nature of modern planning, research, critical inquiry, etc.

The absolutist state remains fundamentally a means of securing salvation in the hereafter for the believers, and thus becomes a theocracy in an absolute sense, acting directly as the Agent of God. In short, it is both Church and state simultaneously.

The fundamentalist position seeking revival of the ideal Islamic state

Relationship between Islam and the state

Abul Ala Maududi refers to a core verse in the Quran, while expounding his theory of the Islamic state:

'[Muslims are] those who, if We give them power in the land, establish the system of *Salat* [worship] and *Zakat* [poor-due] and enjoin virtue and forbid evil.' Quran ch. 22: 41.

This verse states clearly the aims, objects and duties of an Islamic State. Unlike a Secular State, its duty is not merely to maintain internal order, to defend the frontiers and to work for the material prosperity of the country. Rather its first and foremost obligation is to establish the system of *Sālat* and *Zakat*, to propagate and establish those things which have been declared to be 'virtues' by God and His Messenger, and to eradicate those things which have been declared to be 'vices' by them. In other words, no state can be called Islamic if it does not fulfil this fundamental objective of an Islamic State. Thus a state which does not take interest in establishing virtue and eradicating vice and in which adultery, drinking, gambling, obscene literature, indecent films, vulgar songs, immoral display of beauty, promiscuous mingling of men and women, co-education, etc., flourish without let or hindrance, cannot be called an Islamic State. An Islamic Constitution must declare the above-mentioned objective as the primary duty of the State.[35]

Quoting extensively from the Quran he strives to prove that Allah wishes all mankind to submit to His will. This act of submission is like a bargain. Those who submit whole-heartedly to God's dictates would receive the benefits of a life in paradise.[36] While God is the Owner of everything in heaven and earth, man is endowed with free will. With this free will man may acknowledge the overlordship of God or deny it. A man who submits to the will of God enters into a contract with Him. *Iman* (belief) is the name of such a bargain and the person who submits himself to the pleasure of Allah is a *Momin* (believer).[37] True *iman* requires that: 'A Muslim . . . makes every aspect of his life subservient to the Will of Allah. His entire life is one of obedience and surrender and he never

behaves in an arrogant or autonomous way, save in a moment of forgetfulness.'[38] Proceeding from this premise, Maududi puts his all-embracing philosophy in this succint remark:

Similarly a group of people or a society which consists of true Muslims can never break away from the Law of their Lord. Its political order, its social policy, its culture, its economic ideology, its legal system and its international policy must all be in tone with the Code of Guidance revealed by Allah and must, in no way, contravene it.[39]

About where to go about looking for the will of God, he states categorically:

The Will of God, which is obligatory upon man to follow, is the one which God Himself has revealed for man's guidance. The Will of God is not to be determined by man himself. God has Himself clearly enunciated it and there is no ambiguity about it. Therefore if a person or society is honest and steadfast in its contract with Allah, it must scruplously fashion its entire life in accordance with the Book of God and the Sunnah of the Prophet (peace be upon him).[40]

Since Islam prescribes laws to put the entire scheme of life into practice, the necessity exists to establish a state to enforce these laws. He quotes Quranic verses in support of his contention:

The adulterer and the adultress, scourge ye each of them [with] a hundred stripes and let not pity for the twain withhold you from obedience to the *din* [i.e. way of life prescribed] of Allah, if ye believe in Allah and the Last Day. Quran ch. 24-2.

Say: O my Lord! let my entry be by the Gate of Truth and Honour; and likewise my exit by the Gate of Truth and Honour; and grant me from Thy presence a ruling authority to aid me. Quran ch. 17-80.[41]

He also quotes a *hadith* to augment his assertion: 'Allah brings to an end through the State what He does not eradicate through the Quran.'[42] He concludes thus:

This shows that reforms which Islam wants to bring about cannot be carried out merely by sermons. Political power is essential for their achievements . . . it also shows that the struggle for obtaining control over the organs of the State, when motivated by the urge to establish the *din* and the Islamic *Shariah* and to enforce the Islamic injunctions, is not only permissable but is positively desirable and as such obligatory.[43]

About the scope of activities of an Islamic state Maududi remarks:

A state of this sort cannot evidently restrict the scope of its activities. Its approach is universal and all-embracing. Its scope of activities is coextensive with the whole of human life. It seeks to mould every aspect of life and activity in consonance with its moral norms and programme of social reform. In such a state no one can regard any field of his affairs as personal and private. Considered from this aspect the Islamic State bears a kind of resemblance to the Fascist and Communist states.[44]

Purpose of the creation of Pakistan

Suffering under the blemish of anti-Pakistan activities during the freedom struggle, Maududi tries to absolve himself by arguing that he did not oppose the creation of a separate Muslim state, but only the idea of a secular national state of the Muslims that figured in the earlier statements of the Muslim League leadership.[45] Later, when it began to emphasize the Islamic basis of the future Muslim state the Muslims flocked to its platform.

A struggle simply to liberate Muslim territories from foreign or non-Muslim control has no basis in Islam. Only when the purpose of a struggle against a non-Muslim power is to establish the sovereignty of Allah, in which case it becomes a *jihad*, can the allegiance of Muslims be given to it.[46] Now that Pakistan has been achieved, the real task before the community is to hasten the process of Islamization.

The political structure

Maududi reiterates with forceful consistency the assertion that an Islamic state exists to uphold and enforce the sovereignty of God: 'Whatever human agency is constituted to enforce the political system of Islam in a state, will not possess real sovereignty in the legal and political sense of the term, because not only that it does not possess *de jure* sovereignty but its powers are limited and circumscribed by a supreme law which it can neither alter not interfere with.'[47]

About the scope of the *Sharia* Maududi observes:

> The *Shariah* . . . prescribes directives for the regulation of our individual as well as collective life. These directives touch such varied subjects as religious rituals, personal character, morals, habits, family relationships, social and economic affairs, administration, rights and duties of citizens, judicial system, laws of war and peace and international relations. In short, it embraces all the various departments of life . . . The *Shariah* is a complete scheme of life and an all-embracing social order where nothing is superfluous, and nothing is lacking.[48]

The main purpose of the *Sharia*, explains Maududi, is to organize society on the basis of *marufat* (virtues) and to cleanse it of *munkarat* (vices).[49] The *marufat* aspects of the *Sharia* according to Maududi, fall into three categories, the mandatory (*fardh* and *wajib*), the recommendatory (*matlub*) and the permissable (*mubah*). The mandatory instructions have to be followed compulsorily. The recommendatory are those which Islam wants Muslims to practise. Anything which has not been expressly prohibited belongs to the permissable area. The permissable area is vast and therefore Muslims have been left with a wide unoccupied field where they can legislate according to their discretions but in tune

with the divine law.[50] The *munkarat* instructions are of two kinds: *haram* (those prohibited absolutely) and *makruh* (those which are disliked by Allah). Anything *haram* must be avoided completely. For *makruh* acts and deeds the *Sharia* expresses disapproval either explicitly or by implication.[51]

Permanence and change in Islamic law

Maududi proceeds to explain the mechanism through which Islamic law is determined and applied. The permanent unalterable elements of Islamic law are:

1. Those laws laid down in explicit and unambiguous terms in the Quran or *Sunna*, such as prohibition of alcoholic drinks, taking of interest on capital, gambling, the punishment prescribed for adultery and theft and the rules of inheritance, etc.
2. The directive principles in the Quran and *Sunna*, such as prohibition on intoxicants in general, nullification of transactions which are not the outcome of the free-will of the parties involved, and the principle that men are protectors and in charge of women.
3. Limitations on human activities which can never be transgressed, such as the plurality of wives limited to four.[52]

Those elements of Islamic law which are open to alteration are subject to the following procedures:

1. *Taweel* (interpretation). This means probing into the injunctions of the Quran and *Sunna*. Those scholars who possess insight and acumen can interpret the meaning of the Quran and *Sunna* according to their own lights. In this way a difference of opinion has always been accepted in Islam and will continue to be recognized in the future.
2. *Qiyas* (deduction by analogy). This means applying to a particular case for which there is no clear guidance, a rule present for some similar matter.
3. *Ijtihad* (disciplined judgement of jurists). This consists of legislating on matters for which neither an explicit injunction nor any precedent exists, subject of course to the general principles and precepts of the *Sharia*.
4. *Istihsan* (juristic preference). Maududi recognizes the principle of expediency which is emphasized by the Hanafi School of *Fiqh*. It means framing rules in non-prohibited areas in conformity with the spirit of the Islamic legal system.[53]

After mentioning these principles Maududi endeavours to rebuff the allegation that the *Sharia* is a corpus of outdated, unresponsive laws:

Any one who considers the possibilities inherent in the above-mentioned four ways of legislation, can never reasonably entertain any misgivings as to the dynamism, adaptability, progressive nature and power of evolutionary growth of the legal system of Islam. But it should be remembered that every Tom, Dick or Harry is not entitled to exercise the right of *Taweel*, *Qiyas*, *Ijtihad* and *Istihsan*.[54]

Position of ijtihad

Regarding *ijtihad*, or original legislation, Maududi stresses the necessity of only such persons exercising this right who are fully conversant with the Islamic legal and theological system. They have to be of impeccable Islamic character, possessing piety and modesty.[55] Further, under all circumstances independent legislation should be in consonance with the general tenor of the sacred law. He remarks: 'For *Ijtihad* that purports to be independent of the *Shariah* can neither be an Islamic *Ijtihad* nor is there any room for such an incursion in the legal system of Islam.'[56]

How ijtihad attains the status of law:

1. The learned scholars reach *ijma* (consensus of opinion) on a certain *ijtihad*.
2. The *ijtihad* of an individual or group may attain wide acceptance.
3. The government of a Muslim state may adopt a particular *ijtihad* as its law, as for example the Ottomans adopted the Hanafi *Fiqh* as the Law of the land.
4. An Islamic state may constitutionally empower an institution to legislate and enact laws.[57]

Apart from these four methods there is no other system whereby any *ijtihad* can become law. The *ijtihad* of some scholars which has not received a broad consensus of opinion amongst other scholars through proper procedure is no more than a *fatwa*, which carries moral weight but is not law proper. Similarly the judgements of Qadis (Muslim judges) are enforceable law only in the relevant case. There is no concept of judge-made law in Islam. However, these judgements do have the force of precedent.[58] On the other hand, if an *ijma* has been reached on a certain *ijtihad* then it is binding for all times to come.[59]

Regarding the practical difficulties, resulting from the sectarian differences among Pakistanis, of attaining a consensus on any single code of law, Maududi asserts that this is not a major problem. On the basic Quranic laws all sects are agreed. In other matters the majority principle is to apply. In Pakistan where the majority are Sunni Muslims, their law (i.e. Hanafi law) shall be the law of the land. In personal matters, however, the

various sects and even non-Muslims can demand the application of their own religious law.[60]

Maududi rejects the assertion of the traditional *ulama* that Islamic law is complete and there is no scope for independent law-making in a modern Islamic state. Allah has chosen to remain silent on a vast range of human affairs, thus providing Muslims with an opportunity to exercise their own discretion in this unoccupied field. However, this freedom to make new laws is to conform to the spirit of the revealed law.[61]

Form of government

The government of an Islamic state can be described as a theo-democracy.[62] It is based on the doctrine of the democratic caliphate. Since Allah made man His caliph (vicegerent) on earth, it follows that the vicegerency of God is the collective right of all those who accept and admit the absolute sovereignty of God over themselves and adopt the *Sharia* as the Law of the land: 'The Caliphate granted by God to the faithful is the popular vicegerency and not a limited one. There is no reservation in favour of any family, class or race. Every believer is a Caliph of God in his individual capacity. By virtue of this position he is individually responsible to God.'[63] He also quotes a *hadith* in support of his contention: 'No one is superior to another except in point of faith and piety. All men are descended from Adam and Adam was made of clay.'[64]

The executive

About the division of powers amongst the different organs of the state, Maududi admits that there are no clear-cut instructions in the Quran and *Sunna*. However, from the conventions of the period of Prophet and his pious caliphs one learns that the office of the head of the state was the supreme one. About the authority of the head of state he remarks:

> The position of a man who is selected to conduct the affairs of the state is no more than this: that all Muslims (or technically speaking, all caliphs of God) delegate their caliphate to him for administrative purposes. He is answerable to God on the one hand and on the other to his fellow 'caliphs' who have delegated their authority to him. Now, if he raises himself to the position of an irresponsible absolute ruler, that is to say, a dictator, he assumes the character of a usurper rather than a caliph, because dictatorshp is the negation of popular vicegerency.[65]

Continuing in this democratic vein he adds further:

> No doubt the Islamic State is an all-embracing state and comprises within its spheres all departments of life, but this all-inclusiveness and universality are based upon the universality of the Divine law which an Islamic ruler has to observe and enforce. The guidance given by God about every aspect of life will certainly be

enforced in its entirety. But an Islamic ruler cannot depart from these instructions and adopt a policy of regimentation of his own . . . Besides this, another important point is that in Islam every individual is held personally responsible to God. This personal responsibility cannot be shared by anyone else. Hence, an individual enjoys full liberty to choose whichever path he likes and to develop his faculties in any direction that suits his natural gifts. If the leader obstructs him or obstructs the growth of this personality, he will himself be punished by God for this tyranny. That is precisely the reason why there is not the slightest trace of regimentation in the rule of the Holy Prophet and of his rightly-guided Caliphs . . .[66]

Since the main task of the head of the state is to enforce the *Sharia*, obedience is due to him so long as he adheres to the dictates of Islam. If these limits are overstepped, the community has the right to change their ruler. He quotes several Quranic verses and traditions of the Prophet to establish this conditional nature of obedience.[67]

In his book *Khilafat-o-Malukiat* (Caliphate and Monarchy), Maududi violates orthodox dogma by criticizing the third pious caliph Uthman for showing nepotism and leniency towards his relatives from the Banu Umayya. He argues that while the sincerity of Uthman is beyond doubt, he nevertheless violated a cardinal principle of the *Sharia* by appointing such men to positions of authority whose conduct was not reflective of Islamic piety and character. Such a policy, laments Maududi, sowed the seeds of hereditary rule in Islam. Thus the unique position of the leader of the faithful, instead of going to the most deserving and most pious Muslim became a matter of power politics. The divine republic was thus corrupted and supplanted by hereditary succession.[68]

The theo-democracy of Maududi based on the supremacy of the divine law and republicanism qualifies all male Muslims possessing piety and the Islamic strength of character for the position of the chief executive. The Islamic state can choose a suitable method of election for this purpose.[69] However, self-canvassing is to be disallowed and the chief executive is to be above party affiliations.[70] The head of the state must always rule in consultation with learned men of the community enjoying popular support.[71] He is to be answerable for his actions to the whole public. The pious caliphate, which was based on popular will and not on elitist selection, is the ideal reference.[72]

The legislature

Although the legislature has a limited role in an Islamic state, Maududi widens its scope through his theory of unoccupied areas. He approves of the system of Muslim suffrage as the basis of elections to the various legislative councils. Self-canvassing is to be disallowed and the community is to nominate deserving candidates.[73] Although he does not demand a categorical ban on political parties, Maududi nevertheless

demands such constitutional guarantees which practically nullify the right to political opposition which underlies the philosophy of pluralist democracy. He writes:

> The formation of political parties and cliques within the Legislative Assemblies should be constitutionally prohibited. Various parties in the country may take part in the election as parties for sending to the Assemblies the most suitable members in their opinion, but after the election the members of the Assembly should owe allegiance solely to the STATE, its CONSTITUTION, and the entire NATION, and should vote and act according to the dictates of their conscience.[74]

The judiciary

Maududi explains that the epitome of Islamic political and social morality is the just nature of the Islamic state. Justice is meted out in strict adherence to the injunctions in the *Sharia*. The *de jure* sovereignty of Allah circumscribes and defines the scope of the judiciary also. The following verses from the Quran are quoted as authority on this point: 'So judge between them by that which Allah hath revealed, and follow not their desires away from the truth that has come unto thee' Quran ch. 5: 48; 'Is it the judgement of the time of Ignorance that they are seeking? Who is better than Allah for judgement for a people who have certainty (in their belief)' Quran ch. 5: 50.[75]

For creating the perfect Islamic system it is necessary that the Qadis (Muslim judges) should be of high moral character and well-versed in Islamic jurisprudence. The introduction of the Islamic legal system in Pakistan should be gradual. An academy of law should be set up where the entire legal literature bequeathed by Muslim scholars should be studied. Scholars of Islamic law as well as experts on modern legal thought should be entrusted with the task of codifying Islamic law for the needs of Pakistan.[76] In order to reach this goal the whole structure of judiciary left behind by the British has to be dismantled. The new judiciary should be completely independent of the executive and even the head of the state can be prosecuted in a court of law.[77] Decrying the system of hiring lawyers for money, a practice which only favours the rich, Maududi would like to abolish this practice altogether. Court-fees would also be abolished. This would reduce litigation and make justice cheap and speedy, and above all, equally accessible to everybody.[78]

However, before the laws of Islam are enforced, necessary economic, social and cultural reforms based on Islamic values should be introduced so that society has been provided with facilities and amenities which an Islamic state owes its citizens. Thus before the law of amputation of a hand for theft is put into practice, a just Islamic social order should be created.[79]

State services

Since Pakistan is an ideological state, only Muslims can be entrusted with posts related to state policy. With the exception of a few key-posts, all other services would be open to the non-Muslim citizens of Pakistan. The main reason why non-Muslims have to be excluded from state policy is that since they do not subscribe to the ideology of the state, they cannot be loyal or devoted to it. The fact that they live in an Islamic state is no valid reason to assume their loyalty.[80]

The bureaucratic structure created by the British would have to be abolished. Instead, an Islamic corps of functionaries will have to be created. Competence and good character would be the criteria for recruiting the incumbents to the state services.

Citizenship

Following the traditional position, Maududi divides citizens into two separate and distinct categories: Muslims and non-Muslims. Muslim citizens are those who live within the territories of an Islamic state. An Islamic state is not an extra-territorial state and is bound by international and bilateral treaties which it has entered into with other states. However, an Islamic state must come to the aid of Muslims who are persecuted by a non-Muslim state. Should a treaty of non-aggression exist between it and such a state, that treaty has to be repudiated before action can be taken against the oppressor state.[81]

The Muslims of Pakistan form a distinct *umma*. Their linguistic and ethnic differences are insignificant. An Islamic state recognizes only ideological differences. The retention of a federal structure of administration in Pakistan is supported by Maududi for administrative purposes and not because the various provinces represent distinct ethnic nationalities.[82]

Position of religious minorities

Three types of non-Muslims can be found in an Islamic state:

Contractees: Those who accept the hegemony of an Islamic state voluntarily, or during a war, and enter into a contract with it. They are to be treated in the light of the terms of the treaty. The amount of the annual levy on them cannot be increased arbitrarily, nor any of their general rights curtailed, or suspended.

The Conquered: Those who are defeated in war by an Islamic state and their territories annexed by it, have to pay the protection tax *jizya*. The

jizya is imposed on the basis of the economic position of the *dhimmis* (non-Muslims). It is levied not on each and every *dhimmi* but on those who fought against the Muslims and those who are able-bodied and could potentially fight against an Islamic state. Non-combatants such as women, children, lunatics, slaves, the blind, lame, old or crippled are exempted. The clergy, monks and other clericals are also exempted.
Residents: Non-Muslims who are in an Islamic state in any other form are to be treated according to the general rights of all *dhimmis*.[83]

Although places of worship can be confiscated if a town is taken by storm, it is considered more pious if they are left intact as a gesture of goodwill.[84]

Maududi condemns secular democracy as a sham, since religious minorities in reality are persecuted in the West. On the other hand, the Islamic state provides the best protection to its non-Muslims.[85]

Rights and privileges of non-Muslims

The criminal and civil laws are the same for both the Muslims and non-Muslims. The life of a *dhimmi* is as sacred as that of Muslims. Maududi refers to several examples of the Prophet and the pious caliphs who meted out severe punishment to Muslims who killed or injured a *dhimmi*. As regards personal matters, the *dhimmis* are to follow their own laws. They can even make and sell alcoholic drinks, and raise and sell pigs among themselves. Thus, when the pious caliph of the Umayyad period, Umar bin Abdul Aziz, asked the jurist Hasan al-Basri why the earlier caliphs had allowed the *dhimmis* to drink wine and eat pork, al-Basri replied: 'The *Zimmis* accepted to pay *Jizyah* only because they wanted to be free to live in accordance with their own Personal Law. You have only to follow what your predecessors did. You are not to deviate or innovate.'[86]

An Islamic state does not burden its non-Muslim citizens with unjust discriminatory taxes. The *jizya* exempts them from fighting for the state and instead, for a small levy, they are guaranteed protection. Further, the *jizya* and the agricultural land tax, *kharaj*, are not to be realized through coercion, nor is the amount charged to be beyond their means.[87]

Political representation of non-Muslims

While a non-Muslim cannot be permitted to be the head of the state, or a member of the *Shura* (advisory council), he may be allowed to participate in the legislative assembly as long as this does not affect adversely the ideological basis of the state. For this purpose, Maududi insists, the system of separate communal electorates should be adopted in which only

co-religionists should vote for a candidate from their community.[88] He rejects outright the idea of a secular Pakistani nation embracing all citizens of the state, irrespective of their religious convictions. Nationhood is to be derived strictly from ideological (i.e. religious) convictions.[89]

Fundamental rights

Coming to the question of fundamental rights, Maududi contradicts himself as he strives, on the one hand, to account for most of the fundamental rights offered by modern democratic states in his Islamic system, and on the other, to remain faithful to traditional dogmatic restrictions on political liberty and freedom of conscience and belief. Thus, he asserts that the right to life, liberty and property belong to all citizens, Muslims and non-Muslims; freedom of conscience, of association, etc., are guaranteed and there can be no imprisonment without trial in an Islamic state.[90] About slavery, however, he is evasive and vague, and states apologetically: 'Islam tried to solve the problem of the slaves that were already in Arabia by encouraging people to set them free. Muslims were told that freeing slaves would mean the expiation of some of their sins.'[91] Further, he argues that Islam allowed slavery, not made its practice obligatory.[92]

Regarding the question of freedom of belief, Maududi, it seems, is quite dishonest. In his pamphlet *Human Rights in Islam* published by The Islamic Foundation, U.K., there is no mention of the doctrine of apostasy. Instead, he cites the famous Quranic verse: 'There should be no coercion in the matter of faith' Quran ch. 2: 256.[93] The article is obviously directed towards the Westernized public with a view, it seems, to project a tolerant image of Islam. However, in his main English book on political thought, *The Islamic Law and Constitution*, he adopts a dogmatic stance, though this is done apologetically. He writes that non-Muslims living in an Islamic state will not be forced to embrace Islam. They can propagate their religion and win converts amongst other non-Muslims. However Muslims are not to be converted to another religion. Those Muslims who are inclined towards change of faith will be taken to task; not the non-Muslims who might have influenced them to do so.[94] In his statement before the Court of Inquiry set up to enquire into the anti-Ahmadiyya riots of 1953, Maududi, along with the rest of the *ulama*, declared that apostasy is punishable with death in Islam.[95]

He develops his position on apostasy in his article, *Murtad Ki Saza* (Punishment for an Apostate). Quranic verses, *hadiths* of the Prophet, the rulings of the pious caliphs and the works of *Fiqh*, all of which make apostasy an act of high treason are cited. The reason, according to Maududi, is that a belief in Islam is not a matter of personal faith. It is

coequal with membership in a social order which seeks fulfilment through the state. A change of faith, therefore, is tantamount to treachery, making such a traitor a potential ally of the Enemy.[96] Therefore, just as other states, including Britain and the United States, consider high treason a major crime, so has Islam prescribed capital punishment for an apostate.[97] The crime of apostasy applies not only to a person who as a major converts to Islam and then recants, but equally to those Muslims who were born of Muslim parents but later changed faith. Membership in the Muslim fraternity is irrevocable, howsoever it is acquired.[98]

That such a policy may lead to retaliation by non-Muslim states which may forbid the propagation of Islam in their territories, does not bother Maududi. Islam is an alternative revolutionary way of life which cannot be compared with other religions, which deal with personal belief. Therefore non-Muslim states could not be expected to let Islam peacefully supplant the social system which they sustain. Islam has to wrest a place for itself in all corners of the world. This struggle makes armed conflict unavoidable.[99]

Jihad

Striving to rebut the charge levelled against Islam that it has spread over the world through force, Maududi asserts that Islam approves of just defence against belligerent non-Muslim states. In his book, *Al-Jihad Fi-al-Islam* (Strife in the Path of Islam) Maududi explains that an attack on an Islamic state is not simply an aggression upon its territories but a direct assault on Islam, since the victorious non-Muslim power brings to an end the supremacy of the *Sharia*. An attack on Islam occurs in three ways: people are stopped from accepting Islam, Muslims are forced to apostate, and difficulties are created for Muslims seeking to lead their lives according to the dictates of their faith.[100] Retaliatory action is also legitimate against such states which are persecuting Muslims and with which no peace treaty exists.[101]

However, Islam does prescribe corrective war against non-Muslims, including the people of the Book, who do not follow their holy scriptures, do not believe in the one true God and the Day of Judgement, or do not observe the laws provided for them by their prophets. Having gone astray, they do not accept Islam which Allah has approved for the whole mankind. Against such people, holy war can be launched and they can be forced to live as a subject people in an Islamic state. He remarks:

> Now if they do not accept the true Way of Life [i.e. Islam, author's explanation] then they may be allowed to live in a position of subjection and retain their false beliefs and practices but they cannot be allowed to impose their spurious laws [i.e. secular authority, author's explanation] on God's earth and thus create evil and strife.[102]

As a subject people, they have to pay *jizya*. This tax is not a punishment but a way of keeping them from establishing the rule of evil and falsehood.[103] Thus an Islamic state is potentially at war with all nations and people till such time as they may either accept Islam and cease to pursue a false path or become the subjects of the Islamic state, pay *jizya* and live under the authority of the *Sharia*.[104] Islam, since it stands for the welfare of all human beings, does not seek aggrandizement and expansion comparable to the avaracious designs of the imperialist powers. Its efforts to spread all over the world are motivated by a desire to bring true welfare and justice to all the peoples of the world.[105]

Maududi asserts that Islam does not sanction the conversion of non-Muslims at the point of the sword. They may retain their false beliefs, not as an independent people but as subjects of the Islamic state.[106] Therefore, Islam does sanction the use of force against centres of falsehood and evil. In the first hundred years of Islam, one-fourth of the world was brought under its sway through military action. The most usual pattern adopted by Muslims was that first a country, or some territory, was conquered, and then the work of peaceful conversion began. Other civilizations which spread over the world also relied on force.[107] Islam adopts a realistic position in its policy of converting the whole world. It provides a complete code of waging warfare, negotiating peace, arranging exchange of prisoners-of-war, and instructions about how to deal with various categories of enemies.[108] *Jihad*, as a medium of conducting positive warfare, is therefore an essential duty of the Islamic state. Conditions permitting, it can legitimately be launched.

The economic system

Maududi expounds an Islamic Economic Theory in his book, *Muashiat-i-Islam* (The Economics of Islam). Quoting Quranic verses, traditions of the Prophet, the rulings of the pious caliphs and the works of Muslim jurists, he tries to establish that Islam does not impose any restrictions on individual property or on the freedom to gain 'just' profit. As long as the economic laws of Islam are observed, a systematic distribution of property takes place and it does not concentrate in a few hands.[109]

The alms tax *zakat* provides the state with funds to take care of the poor and the needy. The *zakat* is not a tax in the ordinary sense of the word but a due paid by Muslims to make their wealth and property clean and pure. It is an act of worship.[110] However, additional taxes can be imposed temporarily if conditions so demand.[111] But if the Islamic economic system is adopted properly there would be no need for other taxes because *zakat* and other Islamic dues will provide the state with enough funds with which it can finance its welfare functions.[112]

Maududi would not allow interest or usury in any form in an Islamic state.[113] However, one has the right to invest one's savings in a bank, become a partner in its investments, share the risks involved, and receive a profit. The profit accruing every month, or after any other duration of time, would be legitimate profit. It would not be interest, which is a parasitic item banned in Islam.[114]

On the land question, he writes in his article, *Capitalism, Socialism, and 'Islam*:

Islam recognizes like other proprietary rights, the right of individual ownership of land and all the accepted forms of proprietary rights over anything are also applicable to it. And there is no limit placed on such ownership; it may be thousands of acres. If it has come into possession legally, it is his lawful property. It is not conditioned by self-cultivation either. It can be let to others for this purpose just as a house, furniture or conveyance is let out. If allowed rent-free, it is charity. But if allowed on rent or partnership in produce it is just as lawful as any other business partnership.[115]

While defending private property, Maududi asserts that Islam is not in favour of capitalism which is based on interest and leads to the concentration of wealth in a few hands. On the other hand, there is no place in Islam for state ownership or collective ownership. Ownership belongs to the individual and as long as he maintains his property on Islamic lines, there are no hindrances on how much he can own. Allah wants men to spend their wealth on charity and in an Islamic state where the whole structure of life would be based on the strict observance of the divine will, Muslims steeped deep in Islamic virtues would spend voluntarily on philanthropic causes. However, the state cannot confiscate property earned through proper means and distribute it amongst the poor.[116]

Discussing the welfare functions of the Islamic state, Maududi remarks: 'Islam does not make it binding on the society to provide employment for each and every one of its citizens since this responsibility cannot be accepted without wholesale nationalization of the Country's resources.'[117] However, needy individuals are not to be neglected altogether: 'Islam . . . enjoins upon *individuals singly* to offer help to their utmost capacity, to all such indigent and needy as come their way regardless of any discrimination . . .'[118] (author's italics). For those who cannot find food and shelter, the state has to provide the basic necessities. The sick have to be provided with medical care by the state if they cannot afford it themselves. Even for debts which an individual cannot pay, the state has to come to his rescue.[119] In order to finance these tasks, Maududi suggests these Islamic sources of state income:

— Every one keeping more than a certain fixed amount of capital must pay two and a half per cent annually as 'Zakat'.
— Every Zemindar [landowner, author's explanation] and cultivator will

have to pay ten per cent of the produce of the unirrigated land and five per cent of the irrigated under this head [this refers to the Islamic land tax *ushr*, author's explanation].

- Every industrialist and businessman has to pay two and a half per cent of his total annual assets (not two and a half per cent of the profits) for this purpose.
- Every breeder maintaining a herd above a certain fixed number has to pay annually to the state a certain percentage of his animal wealth according to an ascending scale.
- A fifth of the wealth obtained from mines and buried treasures will go to the state.
- In case of war 20 per cent of the war spoils shall be set apart for this purpose [this refers to the Islamic state's one-fifth claim in war booty, *khums*, author's explanation].[120]

About the economic role of an Islamic state Maududi observes:

Islam on principle disapproves of the state taking the role of the industrialist, the businessman or the landlord. It wants to see the state as a guide, maintaining justice, prohibiting evils and corruption, and serving the interests of the Collective Welfare. The evils of combining trade with political power are so multifarious that its few superficial advantages would not make them insufferable. It allows only those industries to be run under state control that are essential for national life but individuals are not prepared to run them, or their management may be detrimental to the collective welfare. Apart from all such works, if the state starts industries and trades in the interest of the progress of the country, it should endeavour to hand over them to individual management after running them successfully for a certain period.[121]

Regarding the growth of monopolies, concentration and hoarding of wealth, Maududi prescribes the enforcement of the Islamic law of inheritance which leads to systematic redistribution of wealth.[122] Such an economic system avoids the evils of both capitalism and socialism. Both, individual freedom, which Islam wants to defend under all circumstances, and social responsibility, are found in an Islamic economic order. Social responsibility is not vested in the state alone, but is inculcated as a moral awareness among God-fearing Muslims who are urged to spend generously in the name of God. A person who follows God's instructions is bound to find his wealth multiply, since Allah assured the faithful in the Quran that He shall increase the wealth of a Muslim who spends generously on charitable causes.[123]

Maududi condemns socialist ideas since they preach artificial equality. Islam, being a way of life which is based on the natural order of things, does not stand for any man-imposed equality. Just as God has not created any equality in Nature, the Quran does not preach equality of means and opportunities for human beings. In the total scheme of things designed by Allah, there is no allusion or evidence suggesting that God wants

inequality among human beings to be eliminated, and that all should have equal economic means.[124]

The social milieu

Sayed Riaz Ahmad notes that Maududi divides the citizens of an Islamic state into three categories: Muslim males, Muslim females and non-Muslims.[125] To this can be added another category—of slaves—if an Islamic state was ever to fight a holy war of the doctrinal type.

The position of women in traditional Islam is grossly unequal *vis-à-vis* men. Maududi adheres to the traditional standpoint on this issue. He affirms the correctness of the interpretation of the Quranic verse (ch. 4: 3) which permits four wives simultaneously. The Quran, asserts Maududi, does not impose any pre-conditions on having more than one wife, it only restricts the number of wives to four.[126] He opposes an age-limit being introduced by law to prevent child marriage, since the *Sharia* is opposed to all artificial restrictions. However, with the spread of education the abuses of child marriage can be eliminated.[127] Similarly he is opposed to birth control, arguing that instead all efforts should be directed at raising economic productivity since God has assured mankind that He is the Provider for all human beings.[128]

Regarding the question of women being given the right to divorce on a par with men, Maududi is totally opposed to any such innovation. In traditional Islam, a man can divorce his wife by proclaiming his intention to divorce three times. Maududi considers this the proper procedure, pointing out that the man has to provide the dower and pay for the maintenance of the children. He remarks: 'The proportion of rights and powers between male and female, as laid down by Islam, naturally demands that out of the two parties only the former should be entitled to pronounce divorce.'[129]

In his book, *Purdah* (The Veil) Maududi argues that Islam has prescribed strict segregation so as to save society from moral corruption. Free mixing of men and women only leads to degeneration and debasement of moral standards. The decline of past civilizations can be traced back to the harmful influence of women who were allowed to interfere in the affairs of the state.[130] Islam, however, bestows respect and dignity upon them. They enjoy certain rights and privileges. A woman has the right to marry a man of her choice, except a slave and a non-Muslim.[131] However, she is obliged to obey the head or guardian of the family and if he objects to her choice, she cannot marry that person. But, asserts Maududi, the guardian cannot force her to marry a man she does not like.[132] The Quran has fixed her share in inheritance at half that of a brother from their father's property. She can hold and manage that property in her own name. A woman can educate herself, preferably in

religious and social fields. But Maududi would rather that she prepares herself to be a good wife and a dedicated mother.[133]

Regarding the political role of women, Maududi writes: 'In Islam there is a functional distribution between men and women and according to that the field of politics and administration belong to the men's sphere of responsibility.'[134] He refers to a Quranic verse to substantiate his stand: 'Men are in-charge of women' Quran ch. 4: 34.[135] A *hadith* is also quoted: 'A nation that entrusts its affairs (of the state) to a woman can never prosper.'[136]

Although he is willing to extend the right to vote to women, he considers the present system of universal adult franchise harmful and would therefore like to qualify it with a certain level of education.[137] About political representation he takes the following position:

> As regards the election of women to the legislative assemblies, it is absolutely against the spirit and precepts of Islam, and is nothing more than a blind imitation of the West. According to Islam, active politics and administration are not the field of activity for womenfolk. It falls under the men's sphere of responsibilities. The proper method to solve this problem is to constitute a separate Assembly whose membership should be confined to women only—all of them elected by female voters. The main function of this Assembly should be to look after the special affairs of the women such as female education, female hospitals, etc. Of course, it should have the full right to criticise matters relating to the general welfare of the country. Moreover this Assembly should be consulted by the legislature (that is, the national legislature) on all matters that concern the welfare of women.[138]

While Maududi is willing to allow female citizens some limited role in public affairs, he remains doctrinal on the question of female slaves and concubinage. Following the precedents of the Prophet and the pious caliphs and the rulings of Muslim jurists, Maududi explains that Islam allows the conversion of female slaves into concubines with whom sexual relations are legitimate without the necessity of marriage. He lists the proper method given in *Fiqh* to administer the distribution of slave-girls. Once they have been alloted to their masters, they become their property.[139]

Taking a defensive stance on this issue, Maududi asserts that before the advent of Islam, the treatment of slaves and slave-girls was very inhuman. Islam, however, provided them with legal protection. This humane treatment of slave-women is far better than the barbarity perpetrated by modern victorious armies on the female population of the defeated nations.[140] Further, Islam encourages the exchange of prisoners of war. This reduces the chances of slavery. However, in case an enemy state does not seek the release of its soldiers captured by the Islamic state, either in exchange for Muslims captured by it or for a ransom, then such prisoners can be converted into slaves.[141]

On the general shape of society and the question of free inquiry, science, the arts, etc., Maududi argues that there is nothing in Islam which forbids the human mind to probe and experiment. The knowledge about phenomena provided in the Quran has not been contradicted by the findings of science. He dismisses the Darwinian theory of the origin of the species as inconclusive and controversial.[142]

Great emphasis is laid by Maududi on education. He believes that most of the present-day Muslims are ignorant of true Islam. What they follow and believe is the corrupted version of Islam resulting from the deviations of Muslims, and the influence of alien ideas over Muslim minds; the result is a 'Muslim Islam' and not true Islam.[143] An educational programme based on Islamic values and ideology is necessary to carry out a successful Islamic revolution which transforms both body and soul, making every Muslim a vigilant defender of true Islamic ideology.[144]

The question of arts belongs to the realm of social morality. Anything forbidden by the *Sharia* is not proper for an Islamic society. Among banned items are photography, music, sculpture, dancing, etc.[145] However, cinematography is permissible, since it does not produce the human picture, which is banned in Islam, but only an image. And just as Islam has not banned the use of a mirror which produces an image and not a picture, similarly there is no doctrinal basis to prohibit this technology. However, stories and plays based on mixed acting cannot be allowed in movie-pictures since Islam does not allow women to reveal their countenances before a male audience in any form. One solution to this problem is that male actors should assume the appearance of women and play their parts. But this is not desirable either. Therefore, it is best to confine this technique to educational programmes and to exclude themes requiring direct visible contact between men and women.[146]

The rules and values contained in the *Sharia* are to apply to every nook and corner of human activity, including, dress, size and shape of the beard, etc.[147] Even medicines are to be prepared along *Sharia* lines in a model Islamic society.[148] In short, Islamic ideology is to set the pace of all activities in an Islamic state.

Analysis

The fundamentalist model of Maududi is an attempt to work out a blueprint of an Islamic state, with sketches of the accompanying social order and economic system, in the light of the experiences of the modern age. Not an apologist who is willing to appease modern non-Muslim critics of the Islamic state, Maududi is an acute opponent of both Western secular democracy and socialist doctrines. He expounds his vision of the Islamic state in such a way that the good points of both democracy and

socialism, as he understands them, are compared with Islamic alternatives and rejected in favour of the superior Islamic heritage.

His idea of true Islam and the model Islamic state, is derived from an eclectic appreciation of the authoritative Islamic sources and Muslim history. He subjects Muslim history to critical evaluation, extolling what he deems as the 'proper' Islamic conduct and criticizing deviations. The whole approach of Maududi is to discover the fundamental Islamic message from the Quran, *Sunna* and other authoritative sources, and to sift it from the weight of centuries of 'accretions' that burden the Muslim heritage. In other words, 'Muslim Islam'—that distorted version of Islam resulting from human error—is to be discarded. This way he dissociates his Islamic state from most of Muslim political history after the end of the Medinese era. The Islamic state which results from such an approach is an ideal state, above the verdict of history, and therefore divorced from the errors of Muslims. Proceeding from such a vantage point, Maududi cites selectively Quranic verses, traditions of the Prophet, the praxis of the Medinese state under the pious caliphs, and the works of Muslim doctors of law and theology, all of which substantiate his theory of the Islamic state.

Thus armed, Maududi prepares to face the challenge posed by both socialism and the West. Secular democracy and socialism, which are based on the assumption that men are free to decide their worldly affairs independent of religion, are in point of fact, various denials of the overlordship of God, and thus anathema. Such an assumption is heretical since any recognition of the originality of popular will is tantamount to detraction of the sovereignty of Allah. Obviously there could not be two sovereigns. To divide sovereignty is to destroy it. In the case of the Islamic state which is premised on submission to the will of God, any effort to adjust this absolute sovereignty with some human share in it is like assuming Godly qualities. Such an approach is completely incompatible with the spirit of Islam which is an ideology perfected by Allah to quell the rebellious nature of man. Its scope is universal and its application extends to the whole span of time.

Regarding the problem of domination of the Muslim world by the West, Maududi does not conceive Islamic anti-imperialism as a struggle to liberate Muslim lands from European occupation and domination, and from the concomitant economic exploitation and dependence. Such considerations for him have no merit on their own. Only when the purpose of an anti-colonial struggle of Muslims is to establish an Islamic state, is such a struggle truly legitimate. In other words, Maududi is not concerned with the economic hazards of imperialism and the problem of Muslim poverty, but with the modern corruptions entering into Muslim society as a result of the colonial impact. Among these corruptions he

includes Western democracy, participation of women in public affairs, the secularization of culture, etc.

Proceeding to the theoretical structure of Maududi's thought, one notices serious contradictions in his basic reasoning. His outstanding claim is that the *Sharia* is an all-embracing divine law, a position held by the absolutists who thereby deny any room for human innovations. But Maududi concedes that God has chosen not to express His will on all matters but has left vast areas vacant for autonomous, though not fully independent, human legislation. Why God has chosen to do so when His will extends to each and every thing, is not explained by Maududi. Is it because God Himself has decided to bifurcate the world into two separate spheres, one in which His will is supreme and the other where man is free to exercise his own discretion? Or is it because the *Sharia* itself was time-bound and the various schools of *Fiqh* which took upon themselves to elaborate the sacred law, could not forsee the radically different conditions and problems of the complex modern age?

Maududi is not willing to entertain either possibility. To admit of the division of the world into two spheres would be a faint admission of the validity of the secularist position. The suggestion of the *Sharia* and its elaboration by the jurisconsults being time-bound reflects poorly on established doctrinal wisdom about God's involvement in temporal affairs: conceived not in an abstract, metaphysical sense, but as an anthropomorphist consciousness providing practical guidance at each and every step in human life.

Thus, while remaining steadfast to traditional orthodox belief which rests on the assumption of the *Sharia* being a complete code of life and leaving therefore no scope for independent human innovations, Maududi indulges in various scholastic circumlocutions to provide scope for human will and discretion in societal affairs. But, while adopting a position between the absolutists and the modernists, Maududi remains a conservative reformer. The right of *ijtihad* is reposed in experts of Islam and not in the elected members of the legislative assembly. This minimizes the importance of the elective principle and suggests the domination of a pious elite. Obviously Maududi is faced with a difficult problem of determining who are the real experts of Islam. While he is vehemently opposed to the modernist imitation of democratic values, he is also critical of the traditional *ulama* who refuse to allow any flexibility in their absolutist system. He, it seems, aims at the restoration of pure pristine Islam. He may therefore be described more aptly as a restorer rather than a reformer. This observation is strengthened by the fact that Maududi is known for being in sympathy with many Wahabi puritanical ideas.[149] His Jamaat-i-Islami's main social base is located amongst small businessmen, small land-owners, an urban lower middle-class strata of

shopkeepers, teachers, clerks and petty government officials. A social sector which Binder found receptive to the established conservative, pre-modern intellectual tradition in the Muslim world (see chapter 1, under *Existing Studies*).

His position on political and legal reforms is indicative of the same conservative approach. For while allowing some reforms in these fields, he remains firmly traditional on essentials. For example, his acceptance of the eternal validity of past *ijma* implies that the whole corpus of Islamic rulings which have been consented to by the earlier scholars is applicable to a modern society. Since these pre-modern laws cover a wide range of societal affairs, little room is left for new law-making, which at any rate is not supposed to be innovative but an intelligent attempt to conform to the *Sharia*.

The various innovations which he accepts in the political field refer not to a fundamental shift in values but more to organizational expediency and perhaps a commonsense appreciation of the need to adjust to the political environment of the modern age. The acceptance of elections based on Muslim suffrage, of political parties in a restricted form, allowing non-Muslims and women some participation in the legislative process, and above all the theory of unoccupied areas which opens the way for fresh *ijtihad* (saving that it must be carried out by pious experts and not repealing the consensus of the authoritative scholars of the past) are such innovations which Maududi deems can be adapted and adopted by an Islamic state, without harming its ideological foundations.

Maududi's most radical political stand is manifest in his idea of the democratic caliphate, his rejection of dynastic rule and his insistence on a republican form of government. The emphasis on the complete equality of all Muslims and the right of the ablest and most pious Muslim male to lead the community without regard to his caste or colour separates Maududi from the absolutists. They have no principled stand on this issue and accept dynastic rule as legitimate as long as it is based on the revealed law. In a way, Maududi's position is a revival of an old Khwariji idea and a dissociation with classical theory riveted to Quraish descent. It can also be suspected that the democratic trend of the modern age has influenced him in this direction, and in any case, the whole Muslim world is teeming with millions of people claiming descent from Muhammad or the Quraish, rendering this condition non-serious and fictional.[150] The insistence on republican rule gives his position a modernist veneeer. He is also less insistent on obedience to the ruler, a point which was made almost a matter of right belief in traditional Muslim society. It is clear, however, that Maududi is opposed to personal dictatorship and misrule.

He conceives of his Islamic state as a vehicle to effect a world revolution that defeats evil and establishes good. The concept of evil in

Maududi's thought, however, remains closely related to the idea of sin. All sinful activity is to be eradicated with force and virtue is to be sustained and maintained. The concepts of sin and virtue, of course, are derived from the standard rulings in *Sharia*. Among the major sins/evils which Maududi has in mind are consumption of alcohol and intoxicants, free mixing of the sexes, music, gambling, etc. On the other hand, a possibility remains for an Islamic polity to practise slavery and concubinage, to punish apostates with death, and to institutionalize discrimination of non-Muslims. The Islamic punishments have to be enforced in letter and spirit under all circumstances, so also the laws of inheritance, etc. Polygamy which is approved by God is not to be interfered with by man-made restrictions. About these essentials, which might shock modern sensibilities, Maududi remains firmly traditional. Any 'reform' of divine injunctions is tantamount to heresy. Thus Maududi does not differ from the absolutists in any basic sense.

The rigidity in Maududi's thought is manifest also from the fact that despite a conscious effort to function within the environment of the modern world, Maududi is not prepared to let the modern humanist values colour his conception of evil. He does not extend his conception of evil to the existence of poverty, hunger, disease, etc., in a chronic form in many parts of the Muslim world, and especially his immediate reference: Pakistan. He seems almost oblivious of the gravity of the suffering of the masses. His position is that only when the Islamic state comes into being and the *Sharia* is enforced in all departments of life, can real good be brought to the people. An Islamic state does, as a part of its social obligation, function to create a just society, but this just society aims at the maintenance of a free market and not at radical economic reforms. In any case, the main thrust is not on profane goals but on spiritualization of worldly life.

The political right with which Maududi comes into direct conflict is political liberty. He assures us that freedom of political association will be respected in the Islamic state. But at the same time he reduces political parties to mere nominating bodies with no right to organize peaceful opposition to government policies or to offer alternative government. There would be no sovereign legislature where public opinion could be represented and acted upon. Furthermore, like the absolutists, he stresses that the *Sharia* covers each and every aspect of human activity. This leaves hardly any free-will and liberty with the individual except some simplistic right to criticize freely those in authority. Maududi saddles the state with too much authority and in his enthusiasm to find parallels compares his Islamic state with fascist and communist systems, which he believes are apt examples of authoritarian states.

The only area where Maududi comes close to permitting freedom of

action to individuals is in the economic field. In his Islamic state there would be no limits on private wealth as long as it is acquired through means approved by the *Sharia*. Under no circumstance can the state touch such 'proper' wealth, whether of a Muslim or a non-Muslim. The welfare obtaining in society would be based on voluntarism of God-fearing philanthropists. But they cannot be forced to give up their wealth for the public good. The distinction between rich and poor will be maintained both as an instance of natural justice and divine favour.

Thus, while the economic order will be based on a pluralist hierarchy of wealth, politically, the Muslim community as a whole, will be considered one, undifferentiated entity, or rather, one organized political party, based on common ideology.

This defence of private property makes Maududi an opponent of all socialist ideas. Even the mild Islamic socialism of Bhutto was condemned by him as un-Islamic and therefore intolerable in an Islamic state.[151] His position in the context of Pakistan is quite strange, in a doctrinal sense, since it is doubtful if the present rich classes in Pakistan have acquired their wealth through Islamic means. Most of the big landlords received their estates from the British for their loyalty to the Crown.[152] The industrial, financial, and commercial classes were also formed in an economic system based on capitalism and interest, during the British period.

He believes that the Islamic laws of inheritance are a sufficient check against the concentration of wealth and the growth of monopolies. The present existing property structure in Pakistan shows that a very small percentage of the population owns the bulk of the industrial, commercial and landed property.[153] The vast majority consists of petty proprietors or property-less poor. For them these laws are quite irrelevant.

Among his other recommendations to deal with poverty are the imposition of *zakat*, and the expected voluntary contributions of the pious rich. Recent *zakat* collection undertaken by the Government of Pakistan shows that despite the strict control exercised in collection, the amount accruing is too modest. According to one author, even if it were distributed fairly among the needy it would be less than one dollar per annum per person.[154] Another source of income for welfare activities is the 20 per cent war booty, the *khums* of traditional Islamic law. This item as a source of stable state funds is obviously obsolete. All this shows abundantly that Maududi is extremely conservative on economic questions taking a clear stand in favour of the rich and the *status* quo.

An inherent inequity in the traditional law of inheritance refers to the disinheriting of the children of a predeceased son from the property of the grandfather. According to *Fiqh* the right of a predeceased son reverts to his brothers and sisters and is not passed on to his children.[155] This law

was amended in 1961 during the Ayub Era on the recommendation of the Muslim Family Law Commission which concluded by majority decision that the spirit of Islam was egalitarian and just, and therefore the outmoded interpretations of the earlier jurists could not be accepted as final. This new law was assailed by the *ulama*, in particular Maududi and his Jamaat-i-Islami (see p. 35).

On social issues Maududi is equally conservative and differs only in minor details from the absolutists. His position on polygamy, slavery, the harsh Islamic laws, apostasy, segregation, etc., is as unbending as that of the traditional forces. Further, the stand taken on Fine Arts is doctrinaire through and through.

Examined thus, Maududi emerges as an ideologue of state might and an opponent of human freedom and equality. The apparent readiness to incorporate certain democratic processes into the organizational structure of an Islamic state forfeits its reformist content when it is related to the basic thrust of Maududi's thought: of establishing an all-embracing doctrinal state based on an ideology which is believed to originate in divine revelation, but is for all practical purposes, dependent on the interpretation of pious experts. Thus, the idea of a theo-democracy suggested by Maududi, could more accurately be described as a modern-day theocracy.

Such a theocracy is bound to clash with the process of modernization, with its overtones of urbanity and secularism, which is sweeping the Muslim world. In a broad sense this refers to democracy and democratic rights, equalitarian material prosperity, social emancipation and the secularization of culture and education. In a material sense this means urbanization and industrialization, things which require rational attitudes and scientific skills which mean a decline in the applied value of religious wisdom. For Maududi the socially-liberating aspects of such developments are obviously unacceptable. His Islamic state, therefore, could not allow such modernization to weaken the hold of doctrinal ideology. On the other hand, it can serve more readily as a totalitarian ideology prepared to receive within its ideational system only bare technological development, but suppressing the concurrent critical spirit of the modern age. Such a road to modernization has already been taken by Saudi Arabia, Iran and some other Gulf States.

Notes

1. Report of the Court of Inquiry constituted under Punjab Act II of 1954 to enquire into the Punjab Disturbances of 1953 (hereafter referred to as *Munir Report*) (Lahore: Government Printing Press, 1954), p. 210.
2. Ibid., p. 10.

3. Ibid., pp. 211–12.
4. Ibid., p. 208.
5. Ibid., pp. 201–3.
6. Ibid., p. 212.
7. Ibid., pp. 212–14.
8. Ibid., pp. 218–20.
9. Ibid.
10. Ibid., pp. 221–4.
11. Ibid., pp. 227–30.
12. Ibid., p. 230.
13. Ibid., p. 227.
14. *Writ Petition No. 42 of 1976* (Lahore: Lahore High Court, 1976), p. 2.
15. Ibid., pp. 22–38.
16. Ibid., pp. 21–2, 60.
17. Ibid., pp. 7–8.
18. Ibid., pp. 5–6.
19. Ibid., p. 25.
20. Ibid., p. 26.
21. Ibid., pp. 24–8.
22. Ibid., p. 41.
23. Ibid., p. 57.
24. Ibid., p. 59.
25. Ibid., pp. 23–4.
26. Ibid., p. 51.
27. Ibid., p. 41.
28. Ibid., p. 42.
29. Ibid., p. 43.
30. Ibid., p. 13.
31. Ibid., p. 5.
32. Ibid., p. 47.
33. Ibid., pp. 20–1.
34. *Munir Report*, p. 218.
35. S. Abul Ala Maududi, *The Islamic Law and Constitution* (Lahore: Islamic Publications Ltd., 1980), p. 263.
36. Ibid., pp. 157–8.
37. Ibid., pp. 159–60.
38. Ibid., p. 161.
39. Ibid.
40. Ibid.
41. Ibid., pp. 164–5.
42. Ibid., p. 165.
43. Ibid.
44. Ibid., p. 146.
45. S. Abul Ala Maududi, *Tehrik-i-Azadi-i-Hind Aur Musalman, Volume 2* (Lahore: Islamic Publications Ltd., 1981), pp. 221–301. For a complete study of Maududi's argument on this issue read both volumes 1 and 2.
46. S. Abul Ala Maududi, *Tehrik-i-Azadi-Hind Aur Musalman, Volume 1*, (Lahore: Islamic Publications Ltd., 1981), pp. 58–66.
47. Maududi, *The Islamic Law and Constitution*, p. 218.
48. Ibid., p. 52.
49. Ibid., p. 50.

50. Ibid., p. 51.
51. Ibid., pp. 51–2.
52. Ibid., p. 59.
53. Ibid., pp. 60–1.
54. Ibid., p. 61.
55. Ibid., pp. 61, 76–7.
56. Ibid., p. 76.
57. Ibid., pp. 79–80.
58. Ibid., p. 80.
59. Ibid., pp. 90–2.
60. Ibid., pp. 66–8.
61. Ibid., pp. 75–6.
62. Ibid., pp. 139–40.
63. Ibid., p. 149.
64. Ibid.
65. Ibid., p. 151.
66. Ibid.
67. Ibid., pp. 178–83, 223–4.
68. S. Abul Ala Maududi, *Khilafat-o-Malukiat* (Lahore: Idara Tarjuman-ul-Quran, 1979), pp. 81–204. For a deeper understanding of Maududi's chain of thought read the whole book.
69. Maududi, *The Islamic Law and Constitution*, pp. 234–5.
70. Ibid., pp. 240–2.
71. Ibid.
72. Ibid.
73. Ibid., p. 321.
74. Ibid., p. 323.
75. Ibid., p. 225.
76. Ibid., pp. 103–15.
77. Ibid., pp. 98, 319–20, 325–6.
78. Ibid., pp. 113–19.
79. Ibid., pp. 53–5.
80. S. Abul Ala Maududi, *Islamic Rayasat* (Lahore: Islamic Publications Ltd., 1979), pp. 521–36. See also, *The Islamic Law and Constitution*, pp. 146–7, 188–9, 291–2.
81. Maududi, *The Islamic Law and Constitution*, pp. 186–7.
82. Ibid., pp. 334–5.
83. Ibid., pp. 278–82.
84. Ibid, p. 282.
85. Ibid., pp. 275–8, 299.
86. Ibid., p. 286.
87. Ibid., pp. 288–91.
88. Ibid., p. 296.
89. Ibid., pp. 304–5.
90. S. Abul Ala Maududi, *Human Rights in Islam* (Leicester: The Islamic Foundation, 1980), pp. 23–4. See also, *The Islamic Law and Constitution*, pp. 315–19.
91. Ibid., p. 20.
92. S. Abul Ala Maududi, *Al-Jihad Fi Al-Islam* (Lahore: Idara Tarjuman-ul-Quran, 1981), p. 255.
93. Maududi, *Human Rights in Islam*, p. 30.

94. Maududi, *The Islamic Law and Constitution*, p. 297.
95. *Munir Report*, p. 218.
96. S. Abul Ala Maududi, *Murtad Ki Saza* (Lahore: Islamic Publications Ltd., 1981), pp. 9–51.
97. Ibid., pp. 53–67.
98. Ibid., pp. 72–6.
99. Ibid., pp. 77–80.
100. Maududi, *Al-Jihad Fi Al-Islam*, p. 66.
101. Ibid., pp. 77–80.
102. Ibid., p. 121.
103. Ibid., p. 125.
104. Ibid., pp. 125–8.
105. Ibid., pp. 128–44.
106. Ibid., pp. 126–8.
107. Ibid., pp. 216–52.
108. Ibid., pp. 174–5.
109. S. Abul Ala Maududi, *Muashiat-i-Islam* (Lahore: Pan Islamic Publishers, 1981). This argument pervades the whole book. See especially, pp. 57–65, 141–62.
110. Ibid., pp. 301–62.
111. Ibid., p. 371.
112. Ibid., pp. 371–2.
113. Ibid., pp. 229–90. In these pages Maududi develops in depth his opposition to interest and quotes several verses to establish his position.
114. Ibid., pp. 290–5.
115. S. Abul Ala Maududi, *Capitalism, Socialism and Islam* (Kuwait: Islamic Book Publishers, 1977), pp. 60–1.
116. Ibid., pp. 57–60.
117. Ibid., p. 64.
118. Ibid., pp. 64–5.
119. Ibid., p. 65.
120. Ibid.
121. Ibid., p. 66.
122. Maududi, *Muashiat-i-Islam*, pp. 62–3.
123. Ibid., pp. 124–34.
124. Ibid., pp. 77–81.
125. Sayed Riaz Ahmad, *Maulana Maududi and the Islamic State* (Lahore: People's Publishing House, 1976), p. 154.
126. Khurshid Ahmad (ed.), *Studies in the Family Law of Islam* (Karachi: Chiragh-e-Rah Publications, 1961), pp. 23–5.
127. Ibid., pp. 17–19.
128. Maududi, *The Islamic Law and Constitution*, pp. 195–6.
129. Khurshid Ahmad (ed.), *Studies in the Family Law of Islam*, p. 20.
130. S. Abul Ala Maududi, *Purdah* (Lahore: Islamic Publications Ltd., 1981), pp. 17–37.
131. Ibid., p. 241.
132. Ibid., pp. 241–3.
133. Ibid., pp. 245–6. See also footnote, pp. 247–9.
134. Maududi, *The Islamic Law and Constitution*, p. 262.
135. Ibid.
136. Ibid.

137. Ibid., p. 322.
138. Ibid., pp. 322–3.
139. Maududi, *Al-Jihad Fi Al-Islam*, pp. 253–62; see also footnote, pp. 254–5. See also, Maududi, *Rasail-o-Masail* Volume 1 (Lahore: Islamic Publications Ltd, 1983) pp. 266–9.
140. S. Abul Ala Maududi, *Rasail-o-Masail, Volume 1*, pp. 265–9. See also, *Rasail-o-Masail Volume 3* (Lahore: Islamic Publications Ltd., 1983), pp. 102–11.
141. Maududi, *Al-Jihad Fi Al-Islam*, pp. 253–4.
142. S. Abul Ala Maududi, *Rasail-o-Masail Volume* 5 (Lahore: Idara Muarif Islami, 1983), pp. 121–4, 139–45. See also, *Rasail-o-Masail Volume* 4 (Lahore: Islamic Publications Ltd., 1982), pp. 59–65.
143. Maududi, *Tehrik Azadi-i-Hind Aur Musalman Volume 1*, pp. 40–7, 54–5.
144. Ibid., pp. 91–107. See also, *The Islamic Law and Constitution*, pp. 98–103. See also, *Rasail-o-Masail Volume 5*, pp. 367–8.
145. Maududi discusses culture, cultural forms, etc., in all the five volumes of *Rasail-o-Masail*. The stand taken is rigidly doctrinaire. See especially, Volume 1, pp. 154–7, 165–7. Volume 4, pp. 58–9, 106–7.
146. Maududi, *Rasail-o-Masail Volume 2*, pp. 262–7.
147. Maududi, *Rasail-o-Masail Volume 1*, pp. 145–53.
148. Ibid., pp. 180–3.
149. Kalim Bahadur, *The Jamaat-i-Islami of Pakistan* (Lahore: Progressive Books, 1978), pp. 148–9.
150. Rueben Levy, *The Social Structure of Islam* (Cambridge: Cambridge University Press, 1965), pp. 67–73.
151. Kalim Bahadur, op. cit., pp. 121–2.
152. Khalid bin Sayeed, *Politics in Pakistan* (New York: Praeger, 1980), p. 36.
153. Gankovsky and Gordon-Polonskaya, *A History of Pakistan (1947–1958)* (Lahore: People's Publishing House), pp. 242–53. For the agrarian sector see the land-ownership statistics in, *Pakistan Progressive* (New York, May–June 1978), p. 10. See also Tariq Ali, *Can Pakistan Survive?* (Penguin Books, 1983), pp. 67–71.
154. Anwar Syed, *Pakistan: Islam, Politics, and National Solidarity* (Lahore: Vanguard Publications, 1984), p. 178.
155. Anwar Ahmad Qadri, *Islamic Jurisprudence in the Modern World* (Lahore: Sh. Muhammad Ashraf, 1981), p. 432.

6 The sacred state admitting human will

The theocratic position seeking adjustment with modernism

Relationship between Islam and the State

Muhammad Asad begins his book by posing questions about whether Islam under all circumstances requires that Muslims should strive to create an Islamic state or whether, like other religions, it is opposed to the mixing of religion and politics.[1] To these questions he answers in the affirmative: Islam does require the realization of the supreme purpose of all creation—to establish divine will on earth—dependent in an essential sense on the existence of an Islamic state. Only when eternal immutable standards of 'right' and 'wrong' exist can mankind fulfil its duty of worshipping God truly by submitting to His will. The Islamic state is intrinsic to the purpose of creating a society based on complete submission to the will of God.[2] The realization of this purpose requires that submission to the will of God is not confined to general rules but to the code of life embodied in the Quran and *Sunna*.[3] Man is of course given free will, but if he wishes to lead a proper Islamic life, this can be done only through a participation in social life based on the Islamic pattern.[4] From this he concludes: 'This responsibility can be discharged only by a coordinating agency invested with the powers of command (*amr*) and prohibition (*nahy*): that is, the state. It follows therefore, that the organization of an Islamic state or states is an indispensable condition of Islamic life in the true sense of the word.'[5]

He rejects the idea of a secular state since such a state does not submit to a universal morality but to the interests of a nation, class, or race, or some other divisive category. Only religion can provide a universal code of morality. This function is fulfilled admirably by Islam, which is a religion meant for the good of all mankind.[6]

Purpose of the creation of Pakistan

Asad does not discuss the historical background of Pakistan but assumes that the vast majority of the people wanted to create an Islamic state based on the Quran and *Sunna*.[7]

The political structure

Asad repeats the standard dogma that sovereignty in an Islamic state belongs to God. However, the Muslim community exercises vicarious sovereignty. This means that while the Islamic state owes its existence to the will of the people (who voluntarily create the Islamic state), it derives its sovereignty from God, and not the people.[8]

Ijtihad

While repeating typical conventional beliefs about the *Sharia* being a complete code of life, he argues forcefully for greater scope for free legislation. He asserts that the actual *Sharia* includes a small number of laws based on the Quran and *Sunna*. The rest are laws resulting from the *ijtihad* of every age. Such laws based on the independent reasoning of earlier Muslim scholars have no sacrosanct value and can therefore be changed and replaced. Every generation has the right to exercise *ijtihad* in the temporal areas.[9] He quotes a Quranic verse to substantiate his assertion: 'For every one of you We have ordained a Divine Law and an open road', Quran ch. 5:48.[10] He puts his standpoint on the need for fresh *ijtihad* in the following words:

> A rediscovery of the 'open road' of Islam is urgently required at a time like this, when the Muslim world finds itself in the throes of a cultural crisis which we may affirm or deny . . . Set as we are in the midst of a rapidly changing world, our society, too, is subject to the same inexorable law of change . . . From the Islamic point of view, an endeavour to return to the realities of Quran and Sunnah, and to find on their basis new channels for our political thought and our social actions, is a movement of the first-named kind. The present drift of Muslim society towards Western concepts and institutions is a movement of the second kind.[11]

Therefore, asserts Asad, it is necessary to give up reliance on the 'final' verdicts of the past scholars, and to begin thinking afresh on the basis of a study of the original message in the Quran and *Sunna*.[12] In order to work out a new programme based on free inquiry:

> First, the concept of Islamic law—especially with regard to public law—requires once again that simplicity which had been envisaged for it by the Law-Giver but has subsequently been buried under many layers of conventional and frequently arbitrary interpretation. Second—and this is most pertinent to the problem before us—the outward forms and functions of an Islamic state need not necessarily correspond to any 'historical precedent'.[13]

Form of government

The Quran and *Sunna* do not prescribe any particular form of government, nor elaborate a constitutional theory, however: 'The political law

emerging from the context of Quran and Sunnah, is nevertheless, not an illusion. It is very vivid and concrete inasmuch as it gives us a clear outline of a political scheme capable of realization at all times and under all conditions of human life.'[14] Further, there is no specific form of the Islamic state, but many, and it is up to the Muslims of every age to find one that suits them.[15] However, the principle of consultation is to be observed under all circumstances. The Quran states this explicitly: 'Their [the Believers] communal business [*amr*] is to be [transacted in] consultation among themselves', Quran ch. 42: 38.[16]

The essential principles which all Islamic governments have to observe are:

1. The government should strive to create unity and brotherhood among Muslims based on common ideological consciousness.
2. The *Sharia* should be the supreme law of the land.
3. Government should be conducted through consultation. Dictatorship is contrary to Islam.
4. The economic and social conditions should be such that people feel safe and protected.
5. No law repugnant to the Quran and *Sunna* should be enacted.
6. The government should be elected on the basis of the widest Muslim suffrage including both men and women.
7. An elected assembly should be empowered to legislate on temporal matters.
8. Soliciting public office should be prohibited by law. A person canvassing for himself for either an administrative job or membership in the representative assembly should be disqualified. The community should nominate candidates.
9. Difference of opinion should be allowed in the assembly since this stimulates reflection. The Prophet said: 'The difference of opinion among the learned within my community are [a sign of] God's grace.'[17] Even the validity of the majority principle is to be found in the *hadiths* of the Prophet: 'Follow the largest group.'[18]; 'It is your duty to stand by the united community and the majority.'[19]
10. Since Islam allows difference of opinion the right to form political parties should also be recognized.[20]

Asad believes that the presidential form of government is best suited for an Islamic state, as it corresponds to the Islamic concept of caliph. A strong head of the state possessing necessary qualifications to lead the community should be entrusted with the job. His ministers should hold office during his pleasure.[21] A supreme judicial tribunal should be the guardian of the constitution. It should see to it that no act of the executive,

or the legislature, violates any *nass* (explicit) injunction of the Quran and *Sunna*.[22]

Citizens

An Islamic state is based on toleration but it distinguishes its citizens on the basis of ideology. Any notion of territorial nationhood is alien to Islam. It recognizes nationhood only on the basis of ideology. He observes:

> One must . . . frankly admit from the outset that without a certain amount of differentiation between Muslims and non-Muslims there can be no question of our ever having an Islamic state or states in the sense envisaged in Quran and Sunnah. Consequently, any prevarication on this subject is utterly dishonest with regard to both the non-Muslim world around us and the Muslim community itself.[23]

However, non-Muslims can seek employment in state services. They may even be taken into the armed forces, in which case they are exempted from the *jizya*.[24]

Rights and duties of citizens

Beginning with the duties, Asad mentions obedience to state authority as long as it is based on the ordinances of the Quran. No obedience is due to a sinful and oppressive ruler.[25] However, the right of rebellion can only be exercised in the extreme case of the government falling into the hands of persons who behave like infidels. Normally, an unobservant ruler should be forced into mending his ways through peaceful pressure.[26] However, if a government launches a war of aggression under the pretext that it is *jihad*, a Muslim can refuse to fight. *Jihad* is meant strictly for defensive purposes. Even non-Muslim citizens may be allowed to participate in the just self-defence of an Islamic state.[27]

The rights due to the citizens are the following:

1. *Freedom of Opinion*: The citizens have the full right to criticize the government and to propose alternative lines of action. However, the state cannot permit criticism of the *Sharia*, preaching rebellion against the state and the spread of indecent ideas.
2. *Protection of Life and Property*: Without due course of law the property and life of citizens cannot be interfered with by the state. He quotes a verse from the Quran to support his position: 'O you who believe! Do not enter houses other than your own unless you have obtained permission and saluted the inmates', Quran ch. 24: 27.[28]
3. *Free and Compulsory Education*: All citizens, men and women, Muslims and non-Muslims, should have the right to free and compulsory education.[29]

Revitalization of true Islam

Commenting on the obstacles in the way of Muslims with regard to their desire to create a genuine Islamic polity, Asad blames both Western distortion of Islam which has negatively affected the new generation of Muslims and the *ulama*. About the pernicious role of the *ulama* he remarks:

By insisting that the political forms and procedures of a contemporary Islamic state must strictly follow the pattern evolved in the early period of Islam (an insistance for which there is not the slightest warrant in Quran and Sunnah), these self-appointed 'guardians' of Muhammad's Message make it impossible for many educated Muslims to accept the shariah as a practical proposition for the political exegencies of our times. By representing the idea of *jihad*, in clear contradiction to all Quranic injunctions, as instrument of aggressive expansion of Muslim rule over non-Muslim territories, they sow fear in the hearts of non-Muslims and fill many righteous Muslims with disgust at the thought of the injustice which such a tendency so obviously implies. And, finally, by claiming (again, without any warrant in Quran and Sunnah) that the shariah imposes on us the duty to discriminate, in all social aspects of life, between the Muslims and non-Muslim citizens of an Islamic state to the detriment of the non-Muslim minorities, they make it impossible for the minorities to bear with equanimity the thought that the country in which they live might become an Islamic state.[30]

For changing this situation Asad prescribes two basic measures:

1. The position that all traditional *fiqh* laws apply to a modern Islamic polity should be dismissed since this makes any fresh legislation difficult and unity among the various sects becomes impossible.
2. A new code of *Sharia* laws should be framed which is applicable for all times. These should be the few laws based on the unequivocal texts of the Quran and the authentic sayings of the Prophet, which are not subject to controversy among any section of Muslims. The existing *Fiqh* laws may be adapted by fresh *ijtihad* but these have no validity *per se*. This separation of the laws based on direct revelation or Prophetic wisdom, from the vast codes of laws based on deductive reasoning of *Fiqh* experts, is the only way: 'for the Muslims to regain a genuine understanding of Islam's ideology, to overcome their cultural stagnation and decay, to shed pernicious automatism now so prevalent in religious thought, and to make the shariah a living proposition for and in an Islamic state.'[31]

The economic system

Asad depicts his Islamic state as a welfare state whose inspiring principles originated more than thirteen hundred years ago. He points to the golden

period of Umar which presages the modern welfare state by many centuries.[32] He remarks:

It follows, therefore, that a state, in order to be truly Islamic, must arrange the affairs of the community in such a way that every individual, man and woman, shall enjoy that minimum of material well-being without which there can be no human dignity, no real freedom and, in the last resort, no spiritual progress.[33]

The *zakat* tax is interpreted as an egalitarian measure meant to facilitate redistribution of wealth. The Islamic state can legitimately impose additional taxes for managing its welfare policies.[34]

The social milieu

Asad firmly opposes traditional Islamic assumptions about the validity and applicability of *Fiqh* laws, and thus opposes much of traditional society which evolved under their influence. Although he does not touch the question of women separately he favours their right to vote and to get education. Free inquiry finds acceptance, and he lays considerable emphasis on education for all citizens of the state irrespective of the religious factor.[35]

Analysis

Muhammad Asad attempts a harmonization between the idea of an Islamic state based on the sovereignty of Allah, and the democratic right of the community to legislate freely in vast unoccupied areas. The consensus of the past which is not related to the few laws emanating from the clear-worded injunctions of the Quran and *Sunna*, is not binding. Thus the area reserved for immutable divine ordinances is reduced and that for independent law-making expands. He lays stress on basing the state on the eternal message of the Quran and *Sunna*, which implies emphasis on broad principles. This stands in contrast to the position of the *ulama*, including Maududi, who insist upon the observance of extensive laws contained in the *Sharia*.

However, Asad insists on maintaining ideological purity and justifies the state distinguishing between its Muslim citizens and the non-Muslims. The imposition of *jizya* is implied unless able-bodied non-Muslims join the defence services. While only the post of the head of the state is to be reserved for a Muslim, it is not clear what role non-Muslims can play in the political life of the polity. He talks of broad Muslim suffrage and the elective nature of the chief executive and the legislature. There is no mention of universal adult franchise, which might also include non-Muslims as active participants in the political process. It

seems he is striving for minimizing discrimination of the religious minorities which the *ulama* want to extend to all aspects of societal life. However, this he does by justifying the need to exclude non-Muslims from the implementation of Islamic ideology. This could mean practically all policy-making areas.

Asad takes issue with the dogmatism and sectarianism of the *ulama* and wants to summon a new assembly which is to codify the actual (those based on clear instructions in Quran and *Sunna*) divine laws. Obviously this means a reliance on modern-educated Muslims, since the established experts—the *ulama*—could not be expected to support such a drastic break with the traditional system. Obviously the *ulama* could not be expected to acquiesce in the demise of their own position as experts. On the other hand, the authority of such an assembly to interfere with the 'clear-worded laws' in the Quran and *Sunna*, which include the harsh criminal code, is denied by Asad.

This concession to the traditional position puts a brake on the process of democratization which he seems to support. How alleged criminals are treated by society is a social question to which legal effect is given. In the present evolution of ethical values, maiming and incapacitating punishments do not appeal so readily to modern sensibilities. This applies to the Muslim world too. Except for Saudi Arabia, the Gulf states, Iran and of late Pakistan, the Quranic criminal code is not observed as standard law in many parts of the Muslim world. Obviously in a genuine Islamic state raised on Asad's ideals this deviation would be rectified.

The position on other democratic measures is equally compromised by his tendency to plead for modernization and democratization and also to remain in line with doctrine. Thus, while political parties may exist and oppose one another on policies, they are not to compete for office. Any intention to seek office is to be prohibited.

The chief argument put forward by Asad in favour of an Islamic as opposed to the secular state is that only a universal religion like Islam can lay the basis for a fair interaction between different nations and people. Man-made standards are biased and temporary. On the other hand, Islam with its glorious traditions of racial heterogeneity, tolerant treatment of minorities, strict standards of justice and the emphasis on pious government, can provide peace and harmony to the world. These values, which Asad has in mind, obviously refer to an idealized Islam, because his whole critical tirade is about sectarianism, discrimination against non-Muslims, and aggressive holy war preached by the *ulama*. On the other hand, he includes in his own scheme the possibility of able-bodied non-Muslims paying the *jizya*. This seems odd since he is apparently opposed to the traditional conception of the Islamic state being potentially at war with the non-Muslim world. By referring to the possibility of *jizya*, Asad concedes

the validity of the belief about the theoretical continuity of armed conflict between the world of Islam and the non-Muslim forces of falsehood and evil.

In practical terms it means that Asad aspires, on the one hand, to bring about the rebirth of ideal Islam (which is possible only as a result of a successful struggle against established Islam), and, on the other, the acceptance of such an Islam by the world community, not through *jihad*, but through the weight of its moral superiority. In this project Asad is caught up in a difficult situation. Without the power and influence of the *ulama* being curbed effectively, ideal Islam is difficult to establish within the Muslim community. On the other hand, unless some of the clear-worded laws of punishment in the Quran and *Sunna* and ideas about *jizya* are replaced by legislation based on modern humanist values, the chances of converting the non-Muslim world through good example seem unlikely.

On economic and social matters Asad relies less on dogmatic support. The emphasis is on a welfare state actively involved in creating material well-being through education and egalitarian reforms. While property cannot be taken over by the state without due course of law, it can be taxed heavily in the interest of welfare. Thus private property is legitimate but not sacrosanct as the absolutists and Maududi assert.

The theocratic position seeking severance with tradition

Relationship between Islam and the State

Ghulam Ahmad Perwez devotes a large part of his book, *Islam: A Challenge to Religion*, to proving that Islam is not a religion in the limited sense of the word, as a form of worship, but a way of life. The argument is that unlike other religions which need a priestly caste to conduct religious rituals directed at saving the soul from damnation, Islam is the unique divinely ordained way of life which deems physical and spiritual being an indivisible unity. The purpose of life on earth is not merely to prepare the soul for the hereafter, but rather the human personality in its ongoing journey, beginning with life on this earth and converting into a spiritual stage after death, goes through several levels of experience, all connected by an inner thread. This process sublimates with the personality reaching proximity with God.[36]

The *ulama* have reduced Islam to a *madhab* (ritualized form of worship meant to attain salvation) making it a religion in the same way as other religions. In reality Islam is a *din* (way of life). The emergence of elaborate rituals and esoteric mysticism, the distortions introduced by the *ulama* and *Sufis* have confined Islam to the domain of the Spirit, leaving

the matters of the world in the hands of secular forces. Even the more socially-aware *ulama*, who wish to revive Islam as a *din*, understand by that the revival of formalized *Fiqh* Islam, which makes it a religion in the narrow Western sense.[37] True Islam is to be recovered from the Quran, the only authoritative source containing the divine message.

For reviving Islam as a way of life the creation of an Islamic state is indispensable. Such an Islamic state would be based on the 'Permanent Values'. He writes: 'The order of life according to these Permanent Values is termed as the Quranic Social Order, or, in other words, the Islamic State.'[38] A Muslim who obeys the laws of the Quran would be rewarded by God not only in paradise; already on this earth Muslims can get a foretaste of the reward promised to all believers who submit themselves to the will of God. Perwez interprets several verses in the Quran to the effect that the concept of *jannah* (paradise) does not refer to some abode up in the heavens but to a continuous process which begins on this earth. The 'Law of Requital' applies to all phenomena. For good deeds man is rewarded and for bad acts punished. This law applies to both society and the individual.[39] By following the Quranic scheme of societal life, a Muslim society creates paradise on earth. He observes:

> Being a state of mind, *Jannah* is not unapproachable and inaccessible to men on earth. The good man, living in harmony with the Will of God (i.e., His Laws), has foretaste of *Jannah*. The Quran speaks of life lived in accordance with its teachings as 'heavenly'. We catch glimpses of *Jannah* in this life and this fact makes *Jannah* real to us. *Jannah* is tied to our present experience and, therefore, it is not a mere figment of the imagination.[40]

Such a good society existed during the early period of the pious caliphs. Ever since the time of the Umayyads when dynastic rule was established, there have been only secular Muslim states based on a separation between *din* and *madhab*.[41]

Purpose of the creation of Pakistan

The demand for the creation of Pakistan was based neither on political nor on economic grounds, nor was it the product of a reaction to Hindu narrow-mindedness, nor did the ambitions of Muslim capitalists bring it into being. It emanated from the very message of the Quran—Islam can become a living reality only when the Quranic laws, which cover the whole spectrum of individual and social life, can be enforced upon a definite territory.[42]

Discussing the idea of a secular state which Jinnah had outlined in his address to the Pakistan Constitution Assembly on 11th August, 1947, Perwez asserts that while the apparent wording of the speech could be construed as supportive of secularism, it was in reality directed at

avoiding further massacre of innocent Muslims at the hands of Hindu and Sikh hordes. By promising that Pakistan would be a secular state, Jinnah hoped to assuage hostile non-Muslim opposition to the young Muslim state.[43] He refers to several of Jinnah's speeches where the founder of Pakistan had committed himself to the creation of a state based on Quranic principles and injunctions.[44]

The political structure

Commenting on the inability of the *ulama* to define a 'Muslim' before the Court of Inquiry during the 1953 anti-Ahmadiyya riots, Perwez blames the sectarian differences among them as the cause of the dissensions among the Muslim *umma*. This has resulted from the fact that the *ulama* do not base their beliefs on the only valid source of Islamic injunctions—the Quran—but on controversial secondary sources such as the *Sunna* and the rulings of the juriconsults.[45] The true *Sunna* is difficult to determine because of the abundance of apocryphal traditions attributed to the Prophet. The constitutional formula of an Islamic state should therefore be derived only from the Quran.[46] There would be no room for Western democracy, socialism, Islamic socialism, or any other alien ideas in an Islamic state, because the Quranic message is complete and does not require any human supplementation.[47] The following are the chief characteristics of an Islamic state:

Sovereignty of God

In an Islamic state, sovereignty belongs only to God. This means that the injunctions given in the Quran will be the only source for deriving the legal and constitutional formula of the state. An Islamic state can neither be a monarchy, nor a theocracy, nor a secular democracy. It is based on 'controlled democracy', which means that the Quranic injunctions form the absolute, unalterable supreme law of the land, and the people exercise their freedoms within the limits imposed by the Quran.[48]

Form of government

An elected assembly based on Muslim adult franchise shall be empowered to interpret the Quranic injunctions. Such an assembly will not be competent to alter in any way the clear-worded laws given in the Quran.[49] The Quran has not prescribed any particular form of government. Only the principle of government through consultation is given and has to be observed.[50] There would be no political parties, no leader of the majority and no leader of the opposition since these are divisive practices

based on secular notions of political power. The members elected to the assembly would represent the community as a whole. A two-chamber parliament is best suited for an Islamic state so that both specialists with expert knowledge and general members could be elected.[51] Except for the clear-worded revealed commands, the assembly will be free to exercise its *ijtihad* in the light of the general principles given in the Quran. The *Fiqh* laws based on human *ijtihad* will not be binding upon the assembly.[52]

The members of parliament, officers in the state services, the head of state, cabinet ministers, etc., all are to be of good moral character and fully conversant with the principles and injunctions in the Quran. In case any incumbent is wanting in exemplary Islamic character he can be removed from office by the court.[53]

Prohibition on sects and political parties

Perwez considers the distinction between public law and personal law to be a Western notion which the British applied to India with a view not to antagonize the various different communities. The *ulama* have only borrowed this idea from the British to hide their own fissiparous groupings. In an Islamic state based on the *din* of Islam such innovations will not be allowed. There would be no Muslim sects nor political parties, since both are indicative of heretical innovations forbidden expressly by the Quran.[54]

Judiciary

Perwez emphasizes the just nature of the Islamic state. Justice in an Islamic state includes a social and a legal dimension. Social justice requires that the state should recognize the equality of birth of all human beings, both Muslims and non-Muslims. There should be equality of opportunity, status should be based on qualifications and achievements and not on birth.[55] This notion of social justice does not contradict the necessary distinction which the Islamic state has to observe between Muslims and non-Muslims. The latter, since they do not believe in the ideology of the state, cannot be associated with its policies. Legal justice refers to the absolute necessity to mete out justice in strict compliance with the Quranic injunctions. An accused should be deemed innocent until proved guilty. Police torture and harassment should be forbidden. The Quranic laws should be strictly enforced. The Quran has fixed punishments for murder, theft, fornication and rebellion. Under what circumstances these punishments should be inflicted upon a criminal is a decision which rests with an Islamic state. However, when once guilt is

proved, punishment should be carried out in accordance with the Quran and not the revised laws based on human *ijtihad* which have modified the Quranic punishments.[56]

Muslim nationalism as the basis of solidarity

An Islamic state should discourage the feelings of provincialism and ethnicity. A united, single, Muslim nation should be created on the basis of Islamic ideology. In Pakistan all distinctions between Punjabis, Sindhis, Balauchs, Pathans and the Urdu-speakers should be abolished.[57] The state should strive for world-wide Muslim solidarity.

Position of non-Muslims

Referring to the famous verse of the Quran which forbids compulsion in matters of belief, Perwez confirms that non-Muslims will be granted all the rights which the Quran confers upon them. These include the right to life and property and protection of the law. But an Islamic state does not give identical political rights to Muslims and non-Muslims. Only Muslims will be qualified to run the affairs of the state. This follows from the spirit of the Quran which recognizes nationhood only on the basis of belief.[58]

The economic system

Perwez takes a radical anti-property stand, arguing that major means of production should be owned by the community collectively. Ownership of land belongs only to God.[59] The Islamic state has to provide the basic necessities of life to all its citizens. The Quran promises: 'We will provide for you and your children' Quran ch. 6:152.[60] Neither capitalism nor communism can be adjusted within the comprehensive Islamic code of life. An individual has the right to the product of his own labour. Excessive wealth cannot be acquired by private individuals. Only that much which is necessary for the development of the personality is to be permitted. About the difference between Islam and communism he observes:

> To sum up, the *Rububiyyah Order* [the social order necessary for the evolution of the human personality, author's note] ascribes supreme value to the human self and aims at creating conditions in which the self can freely develop and gradually attain perfection. This distinguishes the Order from other systems and ideologies. We should not allow ourselves to be misled by superficial resemblance between the Communist state and the Quranic society. The Communist state is no doubt free from the vices of Capitalism, but it functions in the interest of the group or rather the party and is not interested in the individual man. The masses are mere raw materials which the party leadership can mould as it likes. The Quran, on the

other hand, seeks to protect, preserve and enhance man's self. This intense preoccupation with personal worth distinguishes Islam from Communism and Totalitarianism.[61]

The social milieu

An Islamic social order, the *Rububiyyah Order*, as Perwez calls it, is based on piety and moral chastity. Obscenity and vulgar ostentation are frowned upon by Allah. Woman is not to be treated as a sex object. Both men and women have been created equal but endowed with different qualities. The Quran says: 'God has so created you that one excels the other (in certain respects)', Quran ch. 4: 34.[62] Further, her independent rights are guaranteed by the Quran: 'What man earns will belong to him and whatever the woman earns will belong to her', Quran ch. 4: 32.[63] Thus basic equality of the sexes is upheld by the Quran. Monogamy is the normal form of marriage approved by the Quran, but in special circumstances such as war which causes huge loss of menfolk, more than one wife can be taken. This measure is meant to keep Islamic society free from the evils of sexual promiscuity.[64]

As regards the position of slaves and slave-girls, Islam has expressed clearly a dislike for the continuation of the institution of slavery: 'The main source of slaves—men and women—was prisoners of war. The Quran laid down that they should be set free for a ransom or as a favour (47: 4). The door for future slavery was thus closed by the Quran for ever. Whatever happened in subsequent history was the responsibility of the Muslims and not of the Quran.'[65]

On the question of free inquiry Perwez is positive. He condemns the scholastic tradition of the *ulama*, which has reduced Islam to a heap of rites and rituals. Genuine Muslim scholars should be those who earnestly study the universe in the light of Quranic exhortations to reflect, probe and unravel the mysteries of nature. There can be no question of Quranic knowledge coming in conflict with the discoveries of science. On the contrary, science can find direction and guidance in the Quran for further, deeper study of the natural phenomena.[66]

To facilitate this a revolutionary new educational policy should be formulated. The existing distinction between religious and secular knowledge should be abolished. A comprehensive educational system based on Quranic principles should be adopted.[67] Also, arts can be pursued freely within the broad moral framework provided by the Quran.[66]

Analysis

Ghulam Ahmad Perwez argues that the Islamic state is an intrinsic adjunct in the Quranic scheme of life which begins on this earth and evolves into a higher level of perfection after death. Thus paradise-like conditions have to be created on this earth. This goal is achieved by an enforcement of the *Rububiyyah Order*. The social, economic and political spheres of this divine order are to be derived from the Quran. All other sources, such as the *Sunna* and the rulings of Muslim scholars are not binding.

The distinction between *din* and *madhab* is the central element in Perwez's thought. By adopting this as the point of departure from all hitherto accepted and recognized conceptions of Islam, Perwez severs all links with history. Historical Islam with its myriads of sects is to be obliterated altogether. Unlike Maududi and Asad, who also propose curtailment of traditional *Islam*, Perwez stands for complete rupture with it. Thus not only the *ijtihad* of the past is rejected but also *Sunna*. Only the Quran is recognized as an authoritative binding source. Perwez's Islam becomes pure Quranic thought. The role of the Prophet is limited to that of a human medium through whom God communicated His message. This is in complete contradiction to the general view that the life of the Prophet is an elaboration and completion of the Quranic scheme of life, and therefore binding upon the community. This novel exegesis and the terminology which he evolves frees him completely from the onus of seeking support for his theory in any human source. He goes directly to the Quran and interprets it according to his own standards. This attitude of his has earned Perwez the wrath of the *ulama* and a *fatwa* exists condemning his position as false and heretical.[69]

But while adopting such a radical stand on Islamic belief, Perwez works out the contours of the political system of an Islamic state in not very dissimilar terms from Maududi. The Islamic state will be an ideological polity, and only those who believe in the ideology will be competent to participate in the policy-making and policy-implementation processes. Non-Muslims will be alienated from such a process. There would be no political parties nor any right to organize opposition. Secular democracy, socialism, even Islamic socialism, will not be allowed because Islam has a complete and comprehensive societal programme of its own. An Islamic educational system will create a new Islamic nation, freed from the errors of historical Islam and armed with ideological clarity.

Placed in the context of Pakistan as a programme of action, it is not clear towards whom this message is directed. Certainly not towards the *ulama* of any type. As for modern Muslims, what he offers to them is an all-embracing ahistorical Islamic ideology freed from the archaic system of

the *ulama*, comparable in magnitude, though not content, to Maududi's grand design for an Islamic revolution. Such an ideology permits the discrimination against non-Muslims, imposition of harsh Quranic punishments, etc. The type of state which emerges from it is a theocracy in which the elected assembly has no right to alter Quranic laws. Once sufficient ground exists for applying them in a particular instance, this is to be done exactly as the Quran legislates. This means whipping, amputation of the hand and other punishments found in the Quran are to be enforced faithfully, according to the Quranic text. Further, this ideology is to cover all sectors of life. There is no room for accommodating ideas from outside Islam, which in the case of Perwez means just the Quran. However, he asserts that sufficient scope exists for independent legislation, since only the few Quranic laws are binding. This leaves great scope for man-made laws, which however, have to conform to the Quranic framework.

His drastic stand on private property should obviously make him suspect in the eyes of the privileged classes. However, his opposition to the idea of Islamic socialism, secular democracy and socialism, places him at variance with the more common type of modernists who seek adjustment between Islam and modern thought. His ideas are known to have influenced sections of the educated urban middle-class.[70] These obviously must be such members of the intelligentsia who are opposed to the rigid Islam of the absolutists and the socially-conservative ideology of Maududi, but still, nevertheless, are receptive to a doctrinal mode of reasoning. Perwez retains a doctrinal method of argument, which rests on the assumption that Islam provides a complete code of life. But despite such an approach he virtually rejects all established forms of doctrinal Islam. By arguing that Islam does not support the institution of private property, except within narrow limits, Perwez evolves an entirely new position. However, he insists that this does not make him an extreme socialist but a true Muslim.

His position on science, free inquiry, slavery, equality of women etc., is modernist. However, he believes that no scientific discovery can contradict the stories in the Quran. This of course means that the Quran is to be interpreted freely. This is in line with his general position on Islam, which for him has not functioned since the period of the pious caliphate and is to be brought back to life in the *Rububiyyah* Order. The new social order, while containing both liberal democratic and Marxist values, will be a doctrinal state based on Perwez's Quranic Islam.

Cohabitation between theocracy and secularism: the moderate version

Relationship between Islam and the state

Khalifa Abdul Hakim defines Islam as peace and submission. Peace involves all such endeavours which bring internal harmony to an individual and to society through pious and virtuous conduct. Such harmony creates the basis for peaceful coexistence with others. Submission to the will of God brings real peace. This submission involves both prayers and active participation in the process of creating and maintaining a just social order. Only through participation in the social process can man achieve real all-round development. For a full realization of the just society an Islamic state is necessary: 'The highest organisation of society is the state. Islam had to found a state to give to the world in practical form the ideals of statehood.'[71] Muhammad, like Plato and Aristotle, believed that a just man can live justly only in a just state.[72]

Purpose of the creation of Pakistan

Pakistan was created with a view to establishing an Islamic state, a state where Muslims would be free to follow the Islamic way of life. However, since independence all efforts to define this way of life have been unsuccessful because of conflicts over dogma and sectarian beliefs, and the inability to define the relationships between different social classes in an Islamic social order.[73]

The political structure

Calling the Prophet Muhammad the ideal philosopher-king, who surpasses in both theory and practice the qualities which Plato sought in his ideal, Hakim mentions a famous *hadith* of the Prophet: 'It is the duty of every man to remove evil actively when he sees and, if he cannot do so, to protest against it in words, and if he cannot do even that, to detest it in his heart, which is the least manifestation of faith.'[74]

About the *Sharia* he remarks: 'There is no doubt that the ultimate purpose of Islam is revelation; like all great religions it recognizes a supra-sensual and suprarational perception of verities. But the distinctive feature of Islam is that it identifies this revelation with nature and reason.'[75] The recognition of the sovereignty of Allah does not entail the denial of the sovereignty of the people. The laws of Islam are only those few given in the Quran. These do not amount to more than ten pages.[76] The rest of the Quranic programme for human life consists of broad principles. These principles are eternal and not their temporal juristic interpretations.[77]

The works of the great jurists of Islam were directed to the needs of the contemporaneous society in which they lived. Later these elaborate codes of law: 'became the backbone of Muslim orthodoxy. Such fossilised orthodoxies are the result of the political stagnation of the Muslim states when all creative genius, adaptive urge and free inquiry were curbed by autocratic un-Islamic rule and dynastic struggles.'[78]

Ijtihad

On the scope of *ijtihad* Hakim observes:

The Quran is the real basis of Islamic life and its actual legislation is very limited. Muslims are free to legislate as needs arise, in the spirit of social justice. The few laws in the Quran are often permissive and give large latitudes to suit any change in circumstances.[79]

However, he would repose the right to legislate in the hands of a select group: 'The learned men in the state should continue to reinterpret and revise the laws; they shall not be changed merely by the vote of the ignorant masses creating brute majorities.'[80] Denying vehemently that such a state would be a theocracy since its fundamental laws do not emanate from the people but from a divine source, Hakim explains: 'The Muslim state shall be a socialist republic. Monarchy has no place in Islam, nor does hereditary succession receive any sanction. It shall be a theocracy only in the sense that it derives its authority from God. God shall be a symbol for universal social justice.'[81]

An Islamic state is to be based on the following principles:

1. All subjects, Muslims and non-Muslims, shall be guaranteed equal civil rights.
2. Men and women shall enjoy the same fundamental rights. Women can hold property in their own name. Marriage will be a civil contract in which any reasonable conditions can be inserted.
3. Concentration of wealth will be discouraged through appropriate legislation.
4. The chief executive will be elected by the people and government will be conducted through consultation.
5. Concerted effort will be made to promote world peace.
6. There would be no right to revolt against the government, even if it becomes tyrannical. Only constitutional methods can be adopted to change the government.
7. The Islamic socialist republic will allow freedom of trade, but speculation and hoarding will be prohibited.
8. Non-Muslims will be guaranteed full protection of life, property and liberty in lieu of a reasonable protection tax *jizya*.[82]

Hakim's Islamic state will be a welfare state bound not by any rigid doctrinal strictures but inspired by the Islamic ideals of equity, progress and social justice. He equates the perfect Islamic state with perfect social justice. The purpose of *zakat* is no other than to provide the state with means to fund its welfare projects.[83] Good ideas can be borrowed from other civilizations. Islam does not prescribe a closed system.[84]

However, the Islamic state can choose neither capitalist democracy nor communism because both are extremist outlooks. Islam is the religion of the middle path. It contains the good points of both democracy and communism. It urges Muslims to study and probe the universe. The God of Islam is rational. He urges Muslims to seek justice and reward on this earth. For attaining this end, a code of life is prescribed which is not rigid and unreasonable, but provides necessary scope for progressive legislation.[85]

However, Islam recognizes classification of human beings on the basis of ideology. An Islamic state distinguishes between its Muslim and non-Muslim citizens. Non-Muslims, however, can hold key-posts.[86] Further, a distinction is drawn between people of the Book (i.e. Christians, Jews and Sabians, author's note) and polytheists (i.e. Hindus, author's note).[87] There can be no reconciliation between Islam and polytheism. With atheistic Marxism–Leninism there is a direct clash.[88] But this does not mean that Islam stands for hostilities with such ideologies. Only defensive war is just. Aggressive wars are forbidden in Islam.[89]

The economic system

On economic questions, Hakim stands for a radical redistribution of wealth. Especially on land-ownership he is revolutionary like Perwez:

> The Quran says that land belongs to Allah and Allah, in Islamic jurisprudence, is the term used for common weal. The state should so manage land tenures that the land should yield maximum productivity along with equitable distribution. The Islamic law of inheritance would leave no individual large estates but it would ultimately lead to such fragmentation that profitable cultivation would cease, every owner owning an acre or part of it scattered in many places . . . In Islamic jurisprudence, like the jurisprudence of any liberal but practical society, no rights are absolute. Rights spring from duties and duties emerge from rights. Where the exercise of individual right thwarts a necessary measure of public weal, the individual interest has to be sacrificed to the larger interest . . . Islam did not promulgate any elaborately worked out system of land tenure; at various places and under various conditions diverse systems were practised or tolerated. But systems have to be remoulded in the interest of general prosperity and social justice.[90]

Hakim warns that unless the Muslim societies of Asia and Africa undertake drastic measures to alleviate the lot of the oppressed peasantry,

the toiling masses may be attracted to communism. The democratic spirit of Islam demands that a progressive attitude be adopted on economic justice.[91]

The social milieu

Proceeding in the spirit of social progress with which he interprets political and economic precepts of Islam, Hakim makes similar sweeping observations on social questions. Neither slavery nor the subordination of women is supported by Islam.[92] He deplores the fact that Islam declined as a liberating force when Muslim conquerors embarked upon a policy of imperialist expansion. In order to support the annexationist designs of the tyrannical ruling classes, the spirit of progressive legislation was abandoned and instead of a ban being imposed on slavery and unconditional polygamy, these evils were allowed. The Quran was interpreted in a narrow formalistic sense and its egalitarian tenor was ignored.[93]

Analysis

Khalifa Abdul Hakim conceptualizes the Islamic state as an organized system of social justice. Defining evil and good as social categories which manifest themselves in the struggle for social justice, economic equality and just government, Hakim assigns to them an essentially secular value. It seems that while rendering lip service to established dogma, Hakim strives to interpret the message of Islam in terms of broad principles; the emphasis being on the spirit of equity and justice and not on the concrete juristic codifications of *Fiqh*. While chaste character is necessary for a healthy Islamic social order the most important task is to remove want, hunger and ignorance. The Prophet of Islam is admired for his undaunted struggle to alleviate the suffering of the poor and weak.

Thus while the sovereignty of God is to be recognized by the Islamic state, this does not mean that the sovereignty of people is denied. The Islamic state being a welfare state acts on behalf of the general good. This means that the Islamic state, through its legislative body, can introduce all such legislation which promotes well-being. Even the laws in the Quran are not to be understood in terms of the apparent meaning, but only as broad hints about how to create justice.

However, notwithstanding such a drastic break with established tradition, Hakim tends to include some quite dogmatic elements in his sketch of the Islamic state. While non-Muslims are not to be included in the primary Muslim nation, they may be allowed to hold key-posts. But they have to pay the protection tax *jizya*. Also, in accordance with the

spirit of Islam which is based on a belief in the true monotheistic God, the Christians, Jews and Sabians who are fellow-monotheists are to be approached in a spirit of reconciliation. Against polytheists and atheists the Islamic state has to maintain a distance, although not active hostile relations. In practical terms, Hakim is obviously preaching discrimination against the Hindu citizens of Pakistan. At the time of his death in 1959, this meant discrimination against about 14 per cent of Pakistan's population which then included East Pakistan.

It is also not clear why the *jizya* is to be retained when so much of the Quranic laws can be changed in the interest of the public good. This condition becomes even less meaningful when one remembers Hakim's stress on peace, peaceful coexistence, and toleration. The idea of a protection tax makes sense only if armed hostilities are assumed to be of an immediate and inevitable nature. Also important to such an outlook must be a conception of the world in which the world of Islam is locked up in an irreconcilible conflict with the domain of the Enemy: the *Dar-ul-Harb*.

Today the struggle in Asia and Africa is not being expressed in terms of a conflict with Godless and polytheistic tyrants, but in secular, moral terms such as anti-colonialism, anti-imperialism, democratic struggle against dictatorship, etc. The idea of an Islamic socialist republic, as long as it remains doctrinal in terms of classifying citizens, seems ill-fitted to pursue humanism and universal social justice. If Hakim's socialist republic is to keep in line with the anti-imperalist tempo of the Third World, it will have to support the liberation struggles irrespective of the religious factor, whether the people struggling are Muslims, people of the Book, or atheists. Theoretically, this seems untenable in Hakim's scheme, unless the idea of an uncompromising attitude towards polytheism and atheism, derived from traditional theory, is revised.

Another difficulty in Hakim's reasoning is his idea of a group of experts being given the right of judicial review and ultimate legislative authority. As he is opposed to the idea of the majority principle deciding the composition of this body, it is not clear how it is to be formed. Perhaps, through government nomination. Hakim could not expect the *ulama* to participate in such free interpretation of the Quranic texts which can even lead to the Quranic laws being revised (e.g. the law of inheritance which leads to uneconomic fragmentation), and perhaps replaced by more suitable ones. To the *ulama* this is heresy. On the other hand, a nominated group of modernist legislators has little support in democratic theory, especially when such a body cannot be touched by the verdict of free elections. Hakim's sketch of the Islamic state therefore seems to assume a political system based on modernist authoritarian rule.

Cohabitation between theocracy and secularism: the radical version

Relationship between Islam and the state

Dr Javid Iqbal writes:

Islam does not recognise the distinction between the 'spiritual' and the 'profane'. According to Islam the spiritual and temporal obligations are not only connected with each other but it is incumbent on every Muslim constantly to endeavour to realise the spiritual values while performing his temporal obligations. Hence 'Secularism' is an integral part of Islam and it is for this reason that the Islamic State assimilates the qualities of an ideal 'Secular State'.[94]

A Muslim state is potentially an Islamic state; Muslim history shows that Islam was not divorced from the state but served as its ideology. The occupation of Muslim lands by Western nations changed this character of Muslim societies. Now, when Muslims are in possession of their own destiny the recovery of the Islamic political ethos is imperative.[95]

Purpose of the creation of Pakistan

The Muslim nation is prior to Pakistan. Pakistan did not create the Muslim nation, the Muslim nation brought Pakistan into being. Hence Pakistan is the effect of the Muslim nation's struggle for territorial specification. The Muslims of India developed gradually a consciousness of their distinct identity, and later, this awareness led them to demand a separate state.[96] This consciousness comprised certain principles and objectives derived from the spiritual and socio-economic heritage of Islam. Hence an 'Ideology of Pakistan' exists and a state is required to implement such an ideology.[97] However, such an ideology is not to be anti-Hindu or anti-India. It is India which seeks confrontation with Pakistan, and not vice versa.[98]

The political structure

Referring to Jinnah's 11th August 1947 address to the Constituent Assembly, Javid Iqbal affirms that Pakistan is an ideal secular state since it is not based on any *madhab* (personal faith) of any sect, or religious group. Therefore Sunnis, Shias, Wahabis, and other Muslim sects, Hindus, Christians, Parsees, Buddhists and other Pakistanis are free to profess and practise their personal faiths. Pakistan is based on the *din* of Islam, which includes a body of universal principles applicable to all humanity. On the basis of these principles the State of Pakistan strives for the material advancement and welfare of all its citizens: 'Thus, in the political sense, irrespective of their religion or race, all Pakistanis are citizens of the State of Pakistan on equal terms.'[99]

However, Javid Iqbal, contradicts this equality of citizens by equating the Pakistani nation with the Muslim nation:

Of course we may now claim ourselves to be Pakistanis or belonging to the Pakistani nation but strictly speaking, this is only for the purpose of distinction or identification among other nations of the world. Pakistani nationhood is not the real basis for the unity of the state of Pakistan; it is merely an apparent basis. At the present stage of our development as a nation it is not a primary but only a secondary consideration; the primary being Islam, which cements us as a nation and also provides the basis for the unity of the State.[100]

Some of the implications attending this type of nationhood become clear from this remark on Pakistani patriotism:

Muslims do not have a notion of Pakistan as 'fatherland' or 'motherland'. They do not believe in worshipping the geographical features of a country called Pakistan. They are not prepared to lay down their lives merely for Pakistan's dust, trees, deserts, mountains or rivers. This form of Patriotism, according to them is idolatrous. But in their native soil Muslims are ready and willing to lay down their lives for the religio-cultural principles on which the State of Pakistan is founded.[101]

Among the universal principles of Islam, the *din*, as he defines them are included: recognition of the sovereignty of God which sets limits to the sovereignty of the people, the creation of equality, freedom and justice, the democratic basis of government, etc. All these principles asserts Javid Iqbal, can be traced from the Quran and *Sunna*.

Chief characteristics of an Islamic state

An Islamic state is based on the sovereignty of God:

According to Islamic Constitutional Theory Absolute Sovereignty over the entire Universe belongs to God; but since Man has been appointed God's representative (*Khalifa*) on Earth, earthly sovereignty vests in him as a sacred trust from God. (It is only in this sense that a Muslim State claims itself to be sovereign.)

There are no limitations prescribed to the authority to be exercised by Man so long as he does not repeal, abrogate, or supercede the Law of God (or the injunctions of Islam). Consequently a Muslim Assembly (*Ijma*) cannot repeal the Quran, although it has the power to extend or limit the application of a Quranic rule or law in the circumstances when extension or limitation is sanctioned under a *Sharia* value (*Hukm*).[102]

An Islamic state is based on the following ideals:

1. The Islamic state will preserve and defend the Law of God derived from Quran and *Sunna*.
2. The *ijma* of the past is not binding upon the people. All state functionaries have to dedicate themselves to defending the divine law. The head of the state should always be a Muslim.[103]
3. Only a democratic form of government is prescribed by Islam. The Quran states: 'And those who respond to their Lord and keep up

prayer, and their rule is to take counsel among themselves', Quran ch. 42: 38.[104] The Quran instructs even the Prophet to seek advice: 'Therefore forgive and ask pardon for them, and consult them in the affairs', Quran ch. 3: 159.[105]

4. Separation of powers is recommended in Islam. In the Islamic system of government there are three branches. The first branch is that of the *Imamat*, which combines the executive and legislative functions. These functions can be vested in an elected Muslim Assembly and an elected President. The second branch is that of the *Fatwa*, i.e. the Jurist. Such scholars who are fully conversant with the rules of *Fiqh* can be empowered to decide if a particular piece of legislation is in conformity with Islam. The third branch is that of the *Qadi*, i.e. the office of the judge. In the Islamic system the judge not only presided over civil and criminal law suits, he was assigned several religious, social and economic functions, acting thus as the state functionary with close links with the people. However, the British abolished this system in 1864. Thus the link between the state and the people was broken. Consequently, development in Islamic jurisprudence came to a stand-still. This resulted in Islam being separated from the real lives of the Muslims. All this has led to the emergence of an ignorant class of *mullahs* and spiritual charlatans, who have no deep knowledge of Islam but claim to be the custodians of the faith.[106]

   In order to rectify this situation a ministry of religious affairs/ ideological orientation should be created which should, among other things, rear a cadre of state-employed priests educated in Islamic law, religious psychology, other religions, history of the Pakistan movement, and social science. The state should not hestitate in making religion an integral part of its regular activities. These state-educated and state-employed priests alone should perform religious duties. They should also be assigned social welfare tasks.[107]
5. The state should strive to achieve equality of human beings. Adequate opportunities should be provided for employment, education and other welfare benefits.[108]
6. The state should maintain an equitable distribution of wealth. Concentration of wealth in a few hands should not be allowed.
7. Islam, more than any other religion, preaches tolerance towards other communities. The Quran says: 'There is no compulsion in religion; truly the right way has become distinct from error', Quran ch. 2: 256.[109] 'And if thy Lord has pleased, all those who are in the earth would have believed, all of them. Wilt thou then force men till they are believers?' Quran ch. 10: 100.[110] Therefore, the religious minorities are to be provided with all the facilities to practise and profess freely their religion.

8. Solidarity among Muslims has to be strengthened. Regional languages and cultures in Pakistan are to be allowed to blossom; not as a basis of division in the community, but as symbols of identification. Tribalism, racialism, provincialism and sectarianism should be discouraged because they are contrary to Islam.
9. Facilities should be provided for Muslims to practise their faith in accordance with Islamic values. Vices are to be eradicated and virtues promoted. Obscenity, prostitution, gambling, taking of injurious drugs, etc., are to be prevented.[111]
10. Maximum freedom should be available to the citizens:

> Man, from the standpoint of Islam, is created free. There are no fetters on his liberty of thought and action . . . the State, from the standpoint of Islam, therefore, must guarantee the liberty of Man . . . the form of the State, which comes nearest to the spirit of Islam is what is called a truly democratic State in modern constitutional jurisprudence.[112]

The Quran offers the following fundamental rights to the citizens of an Islamic state:

1. Equality of all citizens before the law as well as equality of status and opportunity.
2. Freedom of religion.
3. The right to life.
4. The right to property.
5. No one is to suffer for the wrong of others.
6. Freedom of person.
7. Freedom of opinion.
8. Freedom of movement.
9. Freedom of association.
10. The right to privacy.
11. The right to secure basic necessities of life.
12. The right to reputation.
13. The right to a hearing.
14. The right to a decision in accordance with proper judicial procedure.[113]

Javid Iqbal quotes Quranic verses and/or *hadiths* in support of every right that he mentions.

About the duties of the citizens towards the state, Javid Iqbal mentions obedience to those-in-authority as the foremost obligation. The Quran instructs: 'Obey God, His Apostle and those who command authority over you', Quran ch. 4: 59.[114] Obeying those-in-authority implies obeying Allah and His Prophet since the basis of the Islamic state is Islam, and not the personal authority of any human being.[115] The other important duty is cooperation with those in authority. This means that the community should help the state, and if some officers are going astray, they have to be corrected.[116]

The economic system

The Islamic state is a welfare state. However, private property is a sacred right and the state cannot interfere with this right save through due course of law.[117] Neither capitalism nor communism can be adopted as the basis of an Islamic economy. Javid Iqbal supports his father, Allama Iqbal's preference for social democracy and land distribution among peasant cultivators. Only so much land should be left with individual owners which can be self-cultivated. Feudal land ownership is to be eliminated.[118]

The social milieu

Although Javid Iqbal does not touch specific social problems his position on the baneful influence of ignorant *mullahs* and spiritualists is indicative of the need to remould Islam on modern rational lines. However, he is opposed to the growth of secular tendencies and through proper eduction based on the ideology of Pakistan would like to create the ideal good man and the ideal good citizen: 'The ideal citizen of Pakistan . . . is the *Momin*, i.e., any person who truly, sincerely, honestly and steadfastly believes in the God of Islam and everything which He enjoins.'[119]

Analysis

Dr Javid Iqbal brings his model of the Islamic state in close approximation to the liberal democratic ideal. But this is done not by arguing for a separation between affairs of this world and spiritual beliefs, rather, the Islamic state itself is depicted as an ideal secular state. Such a state upholds the sovereignty of God and the supremacy of divine law. The divine law provides the public law on which the state bases its functioning. It is applicable to all citizens of the state, irrespective of creed and race. On personal matters each sect, in fact each religious group, can claim the application of their own religious law.

Such a state distinguishes between the primary Muslim nation, which is the only valid Pakistani nation, and the non-Muslims, who however, are to be provided all the civil rights. Some distinction, however, is necessary in the political field. They cannot qualify for the post of the head of the state, nor be members of the Muslim Assembly. They may be recruited to other positions. Javid Iqbal does not deal at length with the political rights of the religious minorities. It seems that he does not support their alienation from the political process, and the discriminatory *jizya* tax does not occur in his scheme. But neither does he accept a love for Pakistan's dust, trees, deserts, mountains or rivers—something

which non-Muslim citizens may feel—a sufficient basis for 'Pakistani patriotism'.

The elected Muslim assembly can exercise the right of independent legislation, and, while it cannot abrogate the Quran, it can withhold the application of Quranic laws in a given set of circumstances. Obviously, such a flexible stand on the authority of the Quranic laws, could not be supported by the *ulama* or other doctrinal-minded Muslims. Only modernist Muslims could be expected to attempt a rational and free interpretation of the revealed message. All this seems to detract from the sovereignty of God, reducing it to a pious cliché. Under all circumstances the sovereignty of God is dependent on a human agent. Javid Iqbal dismisses the exclusive interpretative rights of the clericals and places this authority in the hands of elected representatives of the people, who can withhold or extend its application according to procedure. Thus while the harsh criminal laws in the Quran cannot be abrogated, they can be suspended, or applied, according to procedure. However, Islamization of the polity and society on the basis of an all-round ideology which converts every Muslim citizen into a *Momin* , a true believer is to be pursued by the state. Such an ideal citizen would render habitual obedience to those-in-authority; cooperating and criticizing them.

Such a state, however, is to be an ideal secular state while it simultaneously pursues Islamization. How this contradictory process is to function is not explained. A clash of values seems imminent and unavoidable. A secular state normally is understood as a polity which is not bound by religious doctrines and laws. This Javid Iqbal is not willing to entertain in his scheme. All this renders his idea of the Islamic state, which is conceived as an ideal secular state and also 'truly democratic', theoretically incomprehensible: it is a secular theocracy, a contradiction in terms.

The position on economic and social questions is modernist and adaptive, signifying a rejection of scholastic Islam and much of traditional *Fiqh* rulings in these spheres.

Notes

1. Muhammad Asad, *The Principles of State and Government in Islam* (Berkeley: University of California Press, 1961), p. 2.
2. Ibid., pp. 2–3.
3. Ibid., p. 3.
4. Ibid., p. 4.
5. Ibid.
6. Ibid., pp. 4–10.
7. Ibid. p. ix.
8. Ibid., pp. 38–9.

9. Ibid., p. 14.
10. Ibid., p. 15.
11. Ibid., pp. 16–17.
12. Ibid.
13. Ibid., p. 17.
14. Ibid., pp. 22–3.
15. Ibid., p. 23.
16. Ibid., p. 44.
17. Ibid., p. 48.
18. Ibid., p. 50.
19. Ibid.
20. Ibid., p. 61.
21. Ibid.
22. Ibid., pp. 65–7.
23. Ibid., p. 40.
24. Ibid., pp. 74–5.
25. Ibid., p. 76.
26. Ibid., pp. 77–81.
27. Ibid., pp. 70–4.
28. Ibid., p. 85.
29. Ibid.,, pp. 86–7.
30. Ibid., pp. 98–9.
31. Ibid., pp. 102–3.
32. Ibid., p. 92.
33. Ibid., p. 88.
34. Ibid., p. 91.
35. Ibid., pp. 86–7.
36. Ghulam Ahmad Perwez, *Islam: A Challenge to Religion* (Lahore: Idara-Tulu-e-Islam, 1968), pp. 70–102.
37. Ghulam Ahmad Perwez, *Na Jamhoori Na Islami* (Lahore: Idara-Tulu-e-Islam), pp. 1–15. See also, *Bal Say Bareek Talwar Say Taiz* (Lahore: Idara-Tulu-e-Islam), pp. 1–15.
38. Perwez, *Islam: A Challenge to Religion*, p. 357.
39. Ibid., pp. 173–81.
40. Ibid., p. 219.
41. Ghulam Ahmad Perwez, *Tehrik-i-Pakistan Kay Mukhalif Ulama* (Lahore: Idara-Tulu-e-Islam), pp. 3–4. See also, *Bal Say Bareek Talwar Say Taiz*, pp. 3–4.
42. Ghulam Ahmad Perwez, *Quaid-i-Azam Aur Do Quomi Nazaria* (Lahore: Idara-Tulu-e-Islam), pp. 2–3.
43. Ibid., pp. 10–13.
44. Ibid., pp. 13–20. See also, *Kaya Quaid-i-Azam Pakistan Ko Secular State Banana Chatey They* (Lahore: Idara-Tulu-e-Islam).
45. Ghulam Ahmad Perwez, *Siraf Aik Sawal* (Lahore: Idara-Tulu-e-Islam), pp. 1–8. See also, *Tehrik-i-Pakistan Kay Mukhalif Ulama*.
46. Ghulam Ahmad Perwez, *Qurani Aein Kay Bunyadi Khat-o-Khal* (Lahore: Idara-Tulu-e-Islam), pp. 2–3.
47. Ibid., pp. 4–5.
48. Ibid., pp. 4–8.
49. Ibid.
50. Ibid.

51. Ibid., p. 10.
52. Ibid., pp. 4–7.
53. Ibid., pp. 10–11.
54. Ibid., pp. 8–9. See also Perwez, *Islam: A Challenge to Religion*, pp. 277–8.
55. Ibid., p. 12.
56. Ibid., pp. 12–14.
57. Ibid., pp. 9–10.
58. Ibid., pp. 7–8. See also Perwez' interview in the *Daily Jang, Friday magazine*, 8–14 January 1982 (Karachi).
59. Perwez, *Islam: A Challenge to Religion*, pp. 237–9.
60. Ibid., p. 226.
61. Ibid., p. 242.
62. Ibid., p. 338.
63. Ibid., p. 339.
64. Ibid., pp. 340–3.
65. Ibid., p. 346.
66. Ghulam Ahmad Perwez, *Ulama Kon Hein* (Lahore: Idara-Tulu-e-Islam), pp. 1–16.
67. Perwez, *Qurani Aein Kay Bunyadi Khat-o-Khal*, pp. 11–12.
68. Perwez, *Islam: A Challenge to Religion*, pp. 364–5.
69. Aziz Ahmad, *Islamic Modernism in India and Pakistan 1857–1968* (London: Oxford University Press, 1967), p. 233.
70. Freeland Abbot, *Islam and Pakistan* (New York: Cornell University, 1968), p. 211.
71. Khalifa Abdul Hakim, *Islamic Ideology* (Lahore: The Institute of Islamic Culture, 1974), p. 195.
72. Ibid., p. 194.
73. Ibid., pp. 291–9.
74. Ibid., p. 194.
75. Ibid., p. 214.
76. Ibid., p. 212.
77. Ibid., pp. 212–13.
78. Ibid., p. 213.
79. Ibid., p. 221.
80. Ibid., p. 208.
81. Ibid., p. 206.
82. Ibid., pp. 205–10.
83. Ibid., p. 273.
84. Ibid., pp. 294–5.
85. Ibid., p. 242–3.
86. Ibid., p. 238.
87. Ibid., pp. ix–x, 11–13, 39, 155.
88. Ibid., pp. 155, 313, 316.
89. Ibid., pp. 176–88.
90. Ibid., pp. 302–5.
91. Ibid., pp. 305–8.
92. Ibid., pp. 329–34.
93. Ibid., pp. 331–3.
94. Javid Iqbal, *Ideology of Pakistan* (Lahore: Ferozsons Ltd., 1971), p. 4.
95. Ibid., pp. 95–6.
96. Ibid., p. 2.

97. Ibid., pp. 1–3.
98. Ibid., pp. 117–24.
99. Ibid., p. 4.
100. Ibid., p. 2.
101. Ibid.
102. Ibid., p. 59.
103. Ibid., pp. 51–2.
104. Ibid., p. 65.
105. Ibid.
106. Ibid., pp. 41–5.
107. Ibid., pp. 53–8, 94.
108. Ibid., pp. 60–1.
109. Ibid., p. 61.
110. Ibid.
111. Ibid., pp. 62–4, 93–4.
112. Ibid., p. 64.
113. Ibid., pp. 72–7.
114. Ibid., pp. 65–6.
115. Ibid.
116. Ibid.
117. Ibid., pp. 68–9.
118. Ibid., pp. 147–51.
119. Ibid., p. 98.

7 The secular state admitting divine will

The liberal version seeking continuity with the political spirit of Islam

Relationship between Islam and the state

S. M. Zafar argues that the only principle on statecraft given in Islam is about government being conducted on the basis of consultation. This means that government should be based on accountability, free legislation and democracy.[1] Dictatorship is completely contrary to Islam.[2]

The reason why Islam has not given any detailed instructions on political matters, but chosen to confine its injunctions to a few general rules is that the political domain is left to the discretion of the community. This is a challenge to Muslims to show that they can apply intelligently the Islamic spirit of equity and free will to political matters. They have to prove that by their independent actions they fulfil the requirements of Islamic faith that God is the Sovereign of the whole universe. As long as the moral basis of good government is not ignored and the Muslims conduct their affairs in a way that appeases God, they are free to adopt any structural or organizational form for the state.[3] In short, Islam does not provide, or prescribe, any concept of the state. It provides only general rules and principles on which the concrete edifice of Muslim society is to be built.

This inference, asserts Zafar, is justified, since divine silence on political matters could not be a case of divine remiss. On certain matters, such as inheritance, the Quran goes into detailed legislation, yet about such an important matter as the political shape of the community, it resorts to a few, laconic remarks.[4] This attitude of Allah and His Apostle indicates that a functional distinction exists between religion and politics.

Purpose of the creation of Pakistan

After the British captured power in India, the *ulama* were thoroughly demoralized. They concentrated on keeping religious ardour alive among Muslims and in the process withdrew from all contact with modern changes. As a result, they failed to realize that what the Western democratic system stood for was derived basically from Islam.[5] Consequently, when Jinnah mobilized Muslim opinion in favour of a modern

national state, the *ulama* in large numbers opposed him. However, the Muslim masses responded to his warnings that in a united India, Muslims would lose their cultural and social distinctiveness and thus be reduced to a permanent political minority. In this sense, Muslims formed a threatened nation and the *ulama* were wrong in defining the Muslim nation in purely doctrinal terms.[6] Now that Pakistan has been achieved, it should be converted into a modern democratic state as the best fulfilment of the Islamic principle of government through consultation.[7]

The political structure

Discussing the reason why despite repeated requests from his companions the Prophet did not appoint a caliph, Zafar asserts that Muhammad did not wish to confer a divine status on the office of the caliph, and preferred leaving it to the will of the community to chose their temporal leader. This way, a basis was provided for the caliph being chosen by the people and thus being a democratically-elected leader of the Muslim *umma*. This wise attitude of the Prophet—not to confer a divine status on a temporal incumbent—is the 'Magna Carta of Democracy' bequeathed by the Prophet to the Muslim community.[8]

Analysing the formation of three groups immediately after the death of the Prophet, Zafar observes that the Quraish, the Helpers (Ansar) of Medina and the Banu Hashim comprised three political parties. The assembly in which Abu Bakr was elected was a 'round table conference' in which the supporters presented rational arguments in favour of their candidates. By majority decision Abu Bakr was elected caliph. Consequently, each of the four pious caliphs was elected democratically, since the majority of Muslims supported them.[9]

Hence democratic election and popular will is intrinsic to the true Islamic spirit. In Islam, therefore, a separation exists between spiritual and secular matters. In the spiritual domain the office of Prophethood ended with Muhammad, and nobody could claim his unique qualities of receiving revelation. But in temporal matters the community was free to adopt any democratic method of managing its political affairs.[10]

The tradition of democratic rule was so deeply instilled by the Islamic revolution of Muhammad that even when the democratic republic of the pious caliphs was superceded by dynastic rule, rebellions broke out several times during the Umayyad and Abbasid periods against despotic misrule. In these rebellions pious Muslims took a leading role. Descendants of the Prophet and his companions were often the leaders and inspirers of these popular outbursts against absolutism.[11] Islamic political theory which evolved during Abbasid rule contained express provisions requiring the caliph to seek the oath of allegiance. Thus, even when

leadership of the Muslim community was based on power, theory did not recognize this as legitimate. Al-Mawardi, in his treatise on Islamic government, mentions that allegiance to a ruler is conditioned by the fact that the ruler should not be unjust and corrupt. The oath of allegiance was therefore not a sacred ritual but a practical measure purported to secure responsive and accountable government.[12]

Keeping these traditions in view, we find that the system of political parties is not only allowed but preferred in Islam.[13] The system of free political parties seems to be the best guarantee against state might. A multi-party system is better than the single party alternative because it provides a stable institutional method of peacefully changing and replacing the government. Moreover, it conforms to the pluralist nature of early Islamic politics.[14] No modern state can function without political parties. Political parties are the fourth pillar of the modern political systems. The other three pillars being the legislature, the executive and the judiciary.[15]

Just as the modern political parties of the West are not a product of Christianity, but a structural reflection of the complex pluralist composition of advanced Western society, similarly, political parties cannot be found in the same form in early Islam. But a careful, dispassionate study of early Muslim history shows that competing political interests and groupings existed from the very beginning. Therefore, a modern Muslim state has every right to revive this tradition, and not only to allow, but to encourage the formation of political parties.[16] In the modern age, a political system based on independent political parties competing for public support through free periodic elections was the surest guarantee against dictatorship. Such a system was also aptly suited for realizing the Quranic principle of government through consultation.[17]

A mere mention of the principle of consultation is not enough, for even a dictator consults his coterie. The need is to institutionalize this principle on a democratic basis. The modern parliamentary system is the best method to institutionalize consultation and to realize the true Islamic political spirit. It is better than the presidential system because the elected assembly can keep a constant check on the executive.[18]

Zafar rejects the standpoint that in Islam a person who seeks personally a position in the state services is automatically disqualified. This belief which prevails among the *ulama* and other scholars of Islam is based on certain traditions of the Prophet in which disapproval for ambitious self-seekers having neither qualifications nor popular support is expressed. However, this ruling of the Prophet does not extend to competent and popular aspirants who wish to serve the state and seek employment.[19] In a modern state, government activity is regulated through elaborate rules and standardized procedures. Therefore, the system of competitive

examinations through which personnel are recruited, periodic elections, etc., are essential components of the political system. A Muslim state can also adopt these practices. There is nothing in Islam which forbids their incorporation.[20]

Also territorial nationalism is not contrary to Islam. Today, more than forty Muslim countries exist based on territorial nationalism. Often they were founded as a result of patriotic anti-colonial struggles. In various parts of the Muslim world sub-nationalist movements exist, e.g. the Kurdish movement. In Pakistan itself there are strong sub-nationalist movements in various provinces. These movements are not directed against Islam, but concentrate upon the concrete material demands of the people. Therefore, the effort should be to accommodate them. These aspirations can best be attended to through a federal structure. Also through federalism, the Islam principle of government through consultation can be realized effectively.[21]

About the law-making function of the state, Zafar suggests the application of divine laws to the Islamic system of worship, maintenance of mosques, holy shrines, etc. However, in the regulation of the ordinary affairs of the state, secular laws can be framed freely by the parliament. The Quran and *Sunna* do not provide guidance on all matters. Thus, from the simple problem of standardizing weights and measures, to such important measures as the shape of a federal structure of government or how the national budget should be presented in parliament, debated upon and voted, there are no rules or precedents from the time of the Prophet or the pious caliphs. Nor do the divine sources furnish any laws or injunctions in these areas. These secular matters have no bearing upon the spiritual aspects of Islam. Therefore, the elected representatives of the people can best decide such matters.[22]

Zafar rejects the traditional belief that the past *ijma* of the learned experts of Islam is protected from error. If this were true, argues Zafar, then why did not God leave all matters to the inerrancy of expert consensus? Why were some laws stated explicitly in the Quran, e.g. the laws of inheritance and the punishments for certain crimes? These could also have been left to the *ijma* of the experts.[23] Therefore, the right of *ijtihad* need not be reposed in pious experts, the elected representatives of the people are equally competent to participate in law-making.[24] However, laws given in incontrovertible terms in the Quran are binding upon a Muslim state. These include the law of inheritance, and the laws about criminal offences.[25]

The economic system

The creation of a welfare state is in complete consonance with the economic spirit of Islam. Islam expects people to pay *zakat* and other charities voluntarily. If these do not suffice, the state can intervene directly to eliminate poverty with the help of additional measures. He writes:

> Keeping the welfare aspect in view if one examines the two systems then it must be said that there is little difference between a socialist state and an Islamic state. Both aim at removing poverty and suffering and at stopping the concentration of wealth in a few hands. But in order to achieve these ends the means adopted are different. A socialist state does not believe in individual honesty and goodness. On the other hand, an Islamic state makes both the government and the individual responsible for economic and social well-being. The participation of the people in the welfare function is therefore necessary in an Islamic state.[26]

The social milieu

Zafar does not touch specific social issues. The position of women or non-Muslims, therefore, does not receive particular mention. However, his general attitude towards the shape of Muslim society is modernist and undogmatic.

Analysis

S. M. Zafar strives hard to establish in divine will a secular basis for a Muslim polity. The basic position adopted is that in Islam politics is separate from the spiritual domain. This separation, however, does not mean that the moral framework for societal life, given in the Quran and *Sunna* and the examples of the pious caliphs, is not applicable to a modern Muslim society. On the contrary, Islam has provided general guidance on, and about, good Islamic life. Every generation of Muslims is thereby challenged to apply its own creative genius to the concrete problems and issues confronting it, in the light of the spirit of Islam. Arguing thus, Zafar attempts to demolish several rigid, dogmatic beliefs of doctrinal-minded Muslims. He prepares a brief for parliamentary democracy, asserting that it is a dilation and elaboration of the democratic Islamic spirit of government through consultation, election and accountability.

His position on the movement of history is also diametrically opposed to doctrinal Islam. According to the absolutists and Maududi, the highest level of spiritual and political perfection was achieved by Muslims during the period of the Medinese state. Since then, society has deviated from the true path and, therefore, all efforts should be made to recapture as

completely as possible the good society of the past. Zafar bifurcates the Medinese period into two distinct spheres: the spiritual and the political. Spiritual perfection reached its consummation in the life of the Prophet. In the political sphere, the Medinese state provides examples, principles and ideals. More developed forms of these, however, exist in modern democratic society. Therefore, for Zafar, temporal history is poised towards higher development. Consequently, the effort of Muslims should be to move forward with the evolution of human civilization, not attempt the impossible feat of returning to the simple conditions of 7th century Arabia.

Through such rationalism Zafar provides scope for the recognition of secular territorial nationalism, parliamentary democracy, political parties, competitive examinations, elections, etc., as legitimate additions to the requirements of a modern Muslim state based on the Quranic principle of consultation. All this renders his Islamic state increasingly secular and the Islamic substance is confined to the spiritual region.

However, he does make concessions to dogma. Quoting the examples of the laws of inheritance and the Quranic punishments as areas where God has clearly stated His will and not left them to consensus, Zafar seem to imply that they are, therefore, applicable in an Islamic state the way they have been explicitly stated. This concession to orthodoxy obviously restricts the forward movement, and as Zafar conceives, higher evolution, of Muslim society. The laws of inheritance, as Hakim mentions (see page 138), are not perfect. The harsh criminal laws also, in essence, are primitive from a modern point of view. His theory of Islamic secularism and parliamentary democracy is therefore flawed since dogma is conceded original and permanent applicability in the life of the polity.

The socialist version seeking continuity with the economic spirit of Islam

Relationship between Islam and the state

Professor Muhammad Usman believes that in Islam, religion and politics are an indivisible whole yet, at the same time, they constitute separate spheres. The Quran provides broad guide-lines about political and economic matters. To look for the details and particulars of political life in the Quran would be a futile and discommendable task; the reason being that God has left such matters to the discretion of the Muslim community. He expects Muslims to create an exemplary good society in the light of Islamic principles. Therefore, decisions about the political system have to be taken by every generation of Muslims in the light of Islamic principles.[27]

Purpose of the creation of Pakistan

Pakistan was created on the basis of the two nation theory. Both Iqbal and Jinnah were right in claiming that the Muslims of India formed a separate nation on the basis of Muslim culture.[28] However, both believed that the Muslim state should be democratic and progressive, since Islam stood for incorporating the spirit of the times within its social system. Pakistan was therefore meant to be a modern state.[29]

The political structure

What constitutes an 'Islamic system' depends on what new values are becoming manifest for the whole of mankind, as the correct or worthy code of conduct. Islam enjoins that Muslims should keep abreast with the values of the time:

> For example at one stage in history the system of 'Slavery' was commonly practised. Islam also accepted it in a mild form. But now the morality of no civilized society can tolerate it. The result is that not only in Europe and America but also in the Muslim world the system of slavery has been abolished. The idea of giving equal status to women is also a product of the 'Spirit of the Time'. In the last 150 years the human values that have emerged with great force include especially such values as sympathy for the workers and peasants, the trend to stop concentration of wealth in a few hands, and the consciousness to protect every country and class from economic and political exploitation at the hands of others.[30]

Although the Quran is a complete code of life, it has wisely kept a silence about what type of government—democracy, monarchy or dictatorship—Muslims should adopt. To say that the principle of consultation in the Quran points to the creation of a democratic state, is not convincing. Even a monarchy can be based on consultation and a dictatorship is not a complete negation of this principle.[31] Further, the principle of consultation, even if it may be interpreted to mean a recommendation for democracy, does not clarify whether Muslims should adopt the parliamentary or presidential form of government, who should have the right to vote, or the right to contest elections, etc.[32]

On the other hand, the Quran gives detailed instructions on the proper procedure to prepare for and offer prayers. Similarly the questions of matrimony, divorce and inheritance receive detailed legislation. There are instructions even on how to expiate for the sin of calling one's own wife one's mother in a moment of anger. As a penalty, such a person 'shall have to free a slave. If he does not have slaves then he will have to fast consecutively for two months so that he gets the proper training to control his temper, and if he cannot even fast then he must feed 60 destitutes'

(Quran ch. 58:2–4). But the Holy Quran does not explain whether in an Islamic state more than one political party is allowed or not.[33]

The only explanation that can clarify this paradox is that through the system of revelations communicated through the prophets, man was prepared for the final message for all mankind. Islam, revealed through Muhammad, brought mankind to the level where it could imbibe virtues like justice, piety, bravery, and fearlessness. About these values which have changeless applicability, the Quran provides explicit and extensive guidance. But in matters which are subject to change and require the exercise of human discretion, intelligence and consciousness, the Quran has chosen to remain silent. Allah does not want human beings to know everything, for He warns:

> O ye who believe! Ask no questions about things,
> If made plain to you, may cause you trouble. But if ye ask about things
> When the Quran is being revealed, they will be made plain to you,
> Allah will forgive those: For Allah is Oft-Forgiving,
> Most Forbearing.
> Some people before you did ask questions and on that account
> lost their faith. (Quran ch. 5: 104–5).[34]

From this, Usman concludes that the matters of state and government belong to the mutable values, since the Quran has maintained silence on them. Muslims are only expected to follow the values of the times. Today all educated Muslims believe that the Quran directs Muslims to practise democracy, and that monarchy is contrary to Islam. Yet the monarchical system prevailed in Muslim societies for centuries. Many great jurists and scholars prospered during that period. Many monarchs themselves were great Muslims; they are admired by all Muslims. Even some prophets were kings. King David is an example. He not only was a king but founded a dynasty.[35] Thus, asserts Usman, some prophets preferred monarchy, some democracy and some others remained uninterested in politics. All this only confirms the contention that the sphere of religion is divorced from politics. Even Allama Iqbal, while supporting the republican reforms undertaken by Ataturk in Turkey, recognized that religion can be separated from the state.[36]

In another sense, however, politics is not divorced from Islam—a Muslim state is bound by the values of equity and justice. These values have to be given shape in the context of the values of the time.[37] The idea of *jihad* means a constant struggle to uphold justice. It does not mean waging aggressive war.[38]

In modern times, the democratic system reflects the best political values. Pakistan must therefore strive to become a modern democracy. Such a system is based on peaceful resolution of conflicts and differences. It is therefore the best system for promoting and preserving peace within and without the country.[39]

The economic system

Usman tries to establish with the help of Quranic verses and examples from the lives of the Prophet and the pious caliphs the idea that Islamic socialism reflects in modern times the egalitarian economic spirit of Islam. The Quran warns traders and businessmen that their apathy towards orphans and indigents displeases God and they would be punished severely for their greed and selfishness; they are to be confined to the hellfires in the hereafter.[40]

Similarly the imposition of *zakat* on property also indicates the sympathy which the Quran holds for the weak and unfortunate. In fact the Quran recognizes the rights of the poor in the wealth of the rich. This is the idea behind *zakat*, which is a poor due equal in value to obligatory worship of God.[41] The Quran has not fixed any absolute rate at which *zakat* is to be charged. Just as the modern states in the West change their income and wealth tax rates, so can an Islamic state fix the *zakat* rate in the light of its needs.[42] The Quran mentions giving of charity as a way of pleasing God.[43] On the other hand, it condemns vehemently usury and interest. This means that money-lending and speculation have no place in an Islamic state. Capitalism, as it has developed in the West militates against the spirit of Islam.[44] Circulation of wealth is prescribed by the Quran. Therefore, concentration of wealth is a violation of Quranic teachings.[45] The Quran instructs all Muslims to spend their wealth generously on good causes: 'They ask thee how much they are to spend; say "what is beyond your needs." ' (Quran ch. 2:219.)[46]

While Islam recognizes the institution of private property, there are no restrictions imposed on the authority of the state to impose a ceiling on ownership. Nationalization of private property is possible in Islam. It may be undertaken if it serves the general good. This applies to all forms of property, including land.[47] Islam has preferred the technique of peaceful and pursuasive change; violent revolution is not in harmony with the Islamic technique of equalitarian change. But in case such a technique fails to bear fruit, the use of force and state power cannot be overruled.[48] The main consideration is that whatever method is adopted brings maximum benefit to the people and causes the least suffering to any section or class.[49]

The basis for equality in Islam is to be found in the life of Muhammed; he mended his own shoes and wore coarse cloth. The same austerity and modesty is to be found in the lives of Abu Bakr and Umar. Thus, the spirit of Islam and socialism is similar in that both stand for economic justice.

This attitude of Islam is comparable to modern democratic socialism, which social democratic movements in the West uphold.[50] However, Islamic socialism is not be to be confused with communism. The two are

based on very different values. Islamic socialism is modelled on social democracy in the West, which is a negation of the violent methods of communism. The poet-philosopher Allama Iqbal had spoken in laudatory terms about social democracy which, he believed, if adopted by the Muslims, would mean a return to the pristine spirit of Islam.[51] It is the idea of Islamic socialism which has found popular reception in many Muslim countries, e.g. Algeria.

In the modern period many great Muslims of the subcontinent had spoken in favour of Islamic socialism. Among them are Obaidullah Sindhi, Chaudhary Fazal Haq, Allama Iqbal, Khalifa Abdul Hakim, Hasrat Mohani and Chiragh Hasan Hasrat—all well-known for their knowledge of Islam. Among statesmen Jinnah, Liaquat Ali Khan, and Ayub Khan can be mentioned.[52] The allegation therefore that Islamic socialism is contrary to Islam is baseless. Islamic socialism is the most appropriate economic basis for an Islamic state. By adopting it Pakistan can achieve progress, prosperity and stability. This way the task of removing poverty, illiteracy and general backwardness can be begun in real earnest.[53]

The social milieu

Usman favours greater freedom for women. They may come before men with their bare faces. Islam only forbids them to behave coquettishly before men.[54]

On the pursuit of science and knowledge, Usman is emphatically positive. Education should be based on reason and science, as the Quran instructs. To subordinate knowledge to the medieval standards of the *ulama* would be a grave mistake.[55] Even decent arts should be encouraged. A tolerant cultural milieu is a prerequisite for progressive change.[56]

He speaks admiringly of the services of the former Hindu and Sikh citizens of Lahore, who built hospitals and educational institutions; contributions which continue to serve the people of Pakistan even when these non-Muslims have left Pakistan.[57]

Analysis

Professor Muhammad Usman stretches the link between politics and Islam to the farthest limit, stopping just at the breaking point. Proceeding from the assumption that not only does no particular concept of state exist in Islam, he concludes that Islam is neutral even on the type of government. Thus, both monarchy and democracy could legitimately exist in an Islamic environment. Islam created in human beings a consciousness about eternal, immutable values of virtuous life. They are therefore fully

equipped to decide independently their worldly matters, including the political and economic affairs. Armed with such universalistic consciousness, Muslims are expected to incorporate the best values of the times, emanating anywhere in the world, in their temporal affairs. Such values which refer to social, political and economic matters are of a changing nature.

In the context of the present era, democracy is the best system of government and the welfare state, based on Western social democracy, the best way to organize the economy. Social democracy based on peaceful economic reforms creates a truly egalitarian society. Incorporating this philosophy into an Islamic framework, one gets Islamic socialism. The spirit of the Quran is clearly equalitarian, and so are the examples of Muhammad, Abu Bakr and Umar.

This attitude adopted by Usman implies that he recognizes that the best values may originate anywhere in the world. Such an open-door attitude places Usman far away from the absolutists, Maududi and Perwez, according to whom Islam is a complete code of life which precludes the incorporation of extraneous impulses.

In practical terms, this means that an Islamic state can legitimately alter the structure of private ownership in behalf of the poor, and a ceiling on ownership can be placed. This applies to both property in land as well as industrial property. The rate at which *zakat* is charged can be decided by the state. The Quranic ban on usury and interest is to be observed and the state is to see to it that wealth circulates in society and is not concentrated with a few powerful persons.

Making such drastic proposals which virtually deny the existence of any specific concept of the Islamic state, Usman nevertheless implies that the clear-worded Quranic legislation is applicable in an Islamic society. He mentions inheritance and matrimony. The criminal code is not mentioned. However, since the whole argument is that certain matters received detailed treatment in the Quran, indicating God's express commands in these areas, the application of these clear-worded laws should be construed as binding upon the Islamic state.

Theoretically this seems problematic. If an Islamic state is required to incorporate the best values of the times, it can do this coherently if the whole worldly sphere is open to the impact of the best values of the times. Inheritance and matrimony obviously are affairs of this world. Marriage in Islam is a civil affair. Also, punishment of criminals should reasonably belong to the secular domain.

How the Islamic state should keep in line with the best values of the times when certain legal and social affairs are regulated by immutable laws, is not clear. The law of inheritance gives woman half the share of a male heir. Usman favours equality of women and his idea of the values of

the times assumes the evolution of society to a higher and more advanced level along with the march of Time. In advanced industrial society, where women participate in public life working for wages and salaries on equal terms with men, their claim in property is now recognized as equal to that of men. Usman's approach assumes that such an advanced society could emerge in the Muslim world also, as it evolves into the industrial age. At that stage the Islamic laws of inheritance may appear unfair and outmoded.

Usman's scheme of dividing the spiritual and secular affairs of Muslims into two independent regions therefore seems incomplete and contradictory since the division is wry. He renders his Islamic state liberal, forward-moving, idealistic, and yet partially palpable, legalistic and in an ultimate sense theocratic.

Usman's position on human relations is open and humane and he acknowledges the contributions of non-Muslims to the welfare of Pakistan. This is indicative of an attitude of peaceful coexistence with the non-Muslim world. Also the stress on a rational system of education, based on universal Quranic values reflects a preference for creating an ethically good human being rather than a doctrinal enthusiast.

Notes

1. S. M. Zafar, *Awam, Parliament, Islam* (Lahore: Aeina-i-Adab, 1980), p. 317.
2. Ibid., p. 55.
3. Ibid., pp. 22–31.
4. Ibid.
5. Ibid., pp. 15–17.
6. Ibid.
7. Ibid., pp. 19–20.
8. Ibid., pp. 32–4. Zafar develops this argument throughout the book.
9. Ibid., pp. 57–142.
10. Ibid.
11. Ibid., pp. 222–3.
12. Ibid., pp. 229–30.
13. Ibid., pp. 257–8.
14. Ibid., p. 270.
15. Ibid., p. 256.
16. Ibid., pp. 256–67.
17. Ibid., pp. 252–71.
18. Ibid.
19. Ibid., pp. 273–7.
20. Ibid., pp. 278–9.
21. Ibid., pp. 300–10.
22. Ibid., pp. 306–10.
23. Ibid., pp. 289–90, 312–18.
24. Ibid.
25. Ibid., pp. 24, 290.

26. Ibid., p. 321.
27. Muhammad Usman, *Islam Pakistan Mein* (Lahore: Maktab-i-Jadid, 1969), pp. 13–14.
28. Ibid., pp. 294–300.
29. Ibid., p. 301.
30. Ibid., p. 14.
31. Ibid., pp. 14–15.
32. Ibid., p. 15.
33. Ibid., p. 17.
34. Ibid., pp. 18–19.
35. Ibid., pp. 22–5.
36. Ibid., pp. 25–7.
37. Ibid., pp. 25–6.
38. Ibid., pp. 29–43.
39. Ibid., pp. 282–3.
40. Ibid., pp. 65–8.
41. Ibid., p. 69.
42. Ibid., p. 70.
43. Ibid.
44. Ibid., pp. 73–4.
45. Ibid., pp. 72–3.
46. Ibid., p. 76.
47. Ibid., pp. 78–82.
48. Ibid., pp. 81–2.
49. Ibid., p. 80.
50. Ibid., pp. 117–20.
51. Ibid., pp. 120–7.
52. Ibid., pp. 128–9.
53. Ibid., p. 127.
54. Ibid., pp. 128–31.
55. Ibid., pp. 83–97, 154–5.
56. Ibid., p. 95.
57. Ibid., p. 71.

8 The secular state excluding divine will

The modern secular state based on sound reason

Relationship between Islam and the state

Muhammad Munir argues that secularism is possible in Islam. Religious belief and political matters are two separate and distinct domains, and Islam has left the secular area to the discretion of Muslims. The Prophet of Islam said: 'I am no more than a man but when I enjoin anything respecting religion, receive it, and when I order anything about the affairs of the world, then I am no more than a man.'[1]

The period of the Medinese state was undoubtedly a phase in history when a real Islamic state obtained. The Shias, however, contest this and recognize only the era of the Prophet. During these thirty years under the Prophet and the pious caliphs the state functioned in a manner that helped human beings work for their salvation in the hereafter. Later, the state deviated from this objective and the affairs of this world began to direct the policies of Muslim rulers.

The secular state in the West is premised on the assumption that the affairs of the state have no bearing on the life after death. Even Muslim states should adopt this outlook, since it is impossible to resuscitate the Medinese state. However, the Islamic principles of justice, equality and tolerance should guide state policy. The application of these principles, however, should not mean the revival of primitive laws and institutions. Several modern scholars in various parts of the Muslim world have emphasized the need to approach the Quran and *Sunna* in the light of modern rational knowledge, and not according to the literalist and dogmatic system of the *ulama*.[2] About the Quran he remarks: 'The Quran is a revealed book, a great book but it is not a book of history, chemistry, physics or astronomy; not even a book of law.'[3]

Purpose of the creation of Pakistan

The cultural and social differences between Hindus and Muslims were too deep-rooted and the two communities adhered to two opposite world outlooks. Besides, the Hindus had achieved the upper hand during British rule in both economic and political matters. During the Congress

ministries of 1937, it became clear that Muslim interests would be vulnerable in a united India. The demand for the creation of a separate Muslim state was, therefore, legitimately raised by Jinnah, who wanted to save Muslim identity in a Hindu-dominated united India. The establishment of Pakistan in Muslim majority areas was the only way to save them from the onslaught of Hindu capital.[4] However, Jinnah and the Muslim League were opposed by most of the *ulama* who believed that such a state would be a national secular state.[5]

Jinnah did not have any plans of establishing a theocratic state of any kind. He steadfastly supported the idea of a secular state and officially declared this intention while addressing the Pakistan Constituent Assembly on 11th August 1947.[6] However his early death in September 1948, just a year after the creation of Pakistan, removed the most ardent champion of a secular democratic state. Communal riots between Muslims, Hindus and Sikhs during and in the early months after partition, grafted a religious dimension on Pakistani politics, strengthening the hands of bigots and religious fanatics. Unscrupulous politicians manipulated these religious forces for their own ulterior motives. Consequently the fanatical elements became a political force in their own right, and over the years managed to impose their dogmatic ideology over Pakistan. This way the purpose for which Pakistan was created was defeated and it came under the domination of medieval forces.[7]

The political structure

Munir dismisses as mythical the assertion that a particular 'Ideology of Pakistan' exists. He points out at several places in his book that Jinnah never used the phrase 'Ideology of Pakistan'. It was introduced for the first time, in 1962, when a member of the Jamaat-i-Islami (Maududi's party) mentioned it in the national assembly. Since then this idea of the Ideology of Pakistan has been seized upon by those forces who wish to demolish whatever trace of modern institutions remain in the country.[8] Such a state would practise discrimination against non-Muslims, reduce women to chattels and make holy war an element of foreign policy.[9] Pakistan should be a modern secular state which extends equal national status to all citizens, irrespective of religious beliefs.[10]

While criticizing bitterly the dogmatism of the *ulama*, Munir also takes issue with modernists who argue that an Islamic state can be democratic.[11] A modern democratic system functions when the following prerequisites obtain: universal adult franchise, periodic accountability, two or more political parties and an educated electorate.[12] Besides these political conditions, society is based on values such as equality, freedom, tolerance, social justice and equality before the law.[13]

In the Islamic state, the oath of allegiance given to the caliph was an old tribal system which cannot be compared to adult suffrage. The tribal elders used to assure the caliph of the loyalty of their group. The taking of the oath of allegiance did not involve people in general.[14] Further, the four pious caliphs were selected through different procedures. The oath of allegiance was sought afterwards to mark popular acceptance.[15] The caliphs were not chosen for a fixed tenure. The principle of periodic accountability cannot, therefore be derived from the system of a popular caliphate.[16] In so far as the question of political parties is concerned, in an Islamic state there can be only sectarian political parties. The Sunni and Shia sects were born out of conflicting political claims to succession. An Islamic state, since it is based on the question of salvation and life after death, could only consist of parties based on doctrinal differences, not secular political parties of the modern type.[17] Also there is no basis in Islamic political tradition to extend voting rights to women.[18]

An Islamic state, if it is to conform to the *ulamas'* ideal, will be actively engaged in matters of true belief. The doctrine of apostasy will be applicable leading to persecution. Therefore, such a state would routinely invade the right of the individual to freedom of conscience and belief. There is little basis therefore, for believing that an Islamic state can be a democratic state in the modern sense. Also, in Iran Khomeni and in Pakistan the *ulama*, including Maududi, affirm that an Islamic state cannot be a democratic state based on popular will.[19]

Under the circumstances, the adoption of secularism as the basis of state authority is necessary for making Pakistan a modern progressive state. In practice Pakistan is 90 per cent secular, the so-called Islamization process, begun by General Zia-ul-Haq, is hopelessly skewed; it projects the Islamic state as a state based on primitive punishments. The idea of God as a merciful and generous Forgiver is not reflected in General Zia's Islamization.[20] Further, the so-called Islamic punishments introduced by him cover a few crimes only. In established Islamic legal tradition the following crimes are based on *Sharia* injunctions: *Hadd*, *Qisas* and *Tazir*.[21]:

The *Hadd* laws which have a clear sanction in the Quran and *Sunna* are the following:

Adultery:	The adulterers are to be stoned to death.
Fornication:	The guilty are to be given a 100 stripes.
False accusation of adultery:	Offender is to be given 80 stripes.
Apostasy:	Punishable with death.
Drinking wine:	Offender is to be given 80 stripes.
Theft:	Punishable with cutting off of the right hand.

Highway Robbery: When the offence is only robbery, only cutting off of hands and feet. For robbery with murder, death either by the sword or through crucifixion.

Qisas (Retaliation) is taken from the Mosaic tenet of a tooth for a tooth and an eye for an eye. Islam, however, recognizes the old Arab custom of paying blood money, or some other form of compensation to the heirs of the victim. *Tazir* refers to the form of punishment which the *Qadi* (judge) decides on the basis of analogy and reason.

Munir points out that the punishment for apostasy is not included in the Islamic laws introduced during the Zia regime. Also, these laws have been enforced in a modified form.[22] For most of the ordinary business of the state, the old civil and criminal codes left behind by the British still apply. The process of Islamization, thus, is wry, cynical, selective and confused.[23]

All this signifies that complete Islamization is not possible even for a fundamentalist regime like that of General Zia's. To make apostasy a capital crime today is not easy, since it collides so completely with modern sensibilities. These developments only make Pakistan appear medieval, primitive and brutish. Pakistan is signatory to the United Nations Charter which forbids all cruel forms of punishment. These changes violate Pakistan's pledge before the world community.[24]

The economic system

About the self-sufficiency of Islamic economic laws and measures for the needs of a modern state Munir observes:

> No state, can function, properly and efficiently, unless it has a sound financial system. On the subject in question [the Islamic economic system, author's note] there can be two views; first, that any tax which is not contrary to the Quran and Sunnah can be legitimately levied. It is essentially a negative view but it makes lawful all taxes which a modern state levies, namely, all taxes which were not levied during the Nizam-i-Mustafa [the Islamic state of the Medinese era, author's note]. The other view which may be called a positive view is implied in the demand for Nizam-i-Mustafa and that only those taxes can be levied which are levied in that Nizam [system]. It is the latter kind of taxation which the Ulama have in view. If that assumption is correct we will have to analyse the system of that taxation, ignoring the system of the Umayyads, the Abbasids and other Muslim States that came into existence after the end of the Islamic Republic.[25]

The following five items were the main source of state revenue during the pious caliphate:

1. *Ushr*
2. *Kharaj*
3. *Khums*

4. *Jizya*
5. *Zakat*

Ushr was agricultural tax levied on Muslim land-holdings. It was levied at the rate of one-tenth of the gross proceeds.[26] *Kaharaj* was tax imposed on the agricultural holdings of non-Muslims. Its rate varied in accordance with the economic position of the individual concerned.[27] *Khums* was one-fifth of looted property from battle, which the state claimed. Four-fifths went to the warriors.[28] *Jizya* was protection tax paid by non-Muslims. *Zakat* was charged from Muslims on different kinds of property and at different rates. It is not clear whether the state has a right to collect it or whether it is to be left to the conscience of the individual.[29]

As regards *Khums*, it is irrelevant in modern times. There is no scope for holy war in the present circumstances.[30] *Kharaj*, Munir does not discuss, probably, because there are no non-Muslim agricultural communities in Pakistan. As for *jizya*, Munir asserts, it is not clear if Pakistani non-Muslims could be charged such a tax, since they are not a conquered people.[31] *Zakat* was a major source of income during the pious caliphate when enormous riches collected with the people of Medina through successful conquests.[32] Today, the majority of the people are poor and *zakat* cannot suffice as a source of state income.[33] The idea of *ushr* is also outdated since modern farming involves capital investment, and the one-tenth flat rate is therefore not adequate.[34]

These facts, asserts Munir, evidently show the paucity of the so-called Islamic taxation which the *ulama* have in mind. Their knowledge is not based on a sound study of modern taxation but conviction.[35] In Pakistan, which is one of the poorest countries in the world where 80 per cent of the people live on the starvation level, the need for reforms is obvious. For this, industrial development is vital not Islamic punishments.[36]

The social milieu

Pakistan confers voting rights on women. In an Islamic state, however, women and non-Muslims would be second-rate citizens. Non-Muslims would be discriminated against, and the punishment for apostasy which all the *ulama* believe is based on divine command, would create an intolerant and cruel society. Any attempt today, therefore, to resuscitate the Islamic republic of the Medinese period would mean thrusting Pakistan back into the middle ages.[37]

Islam improved the conditions of women in seventh-century Arabia. The Prophet had emphasized the pursuit of knowledge; Islam urges Muslims to go to China even in search of knowledge.[38] All this shows that Islam urges a progressive outlook. But in an Islamic state based on the beliefs of

the *ulama* there would be scope for converting prisoners-of-war into slaves and concubines. Today slavery is held in universal contempt. However, according to the *ulama* the Islamic laws about slavery are as relevant and applicable today as they were before. Such beliefs are abominable to the modern mind.[39]

Any attempt to base Pakistan on the so-called Ideology of Pakistan would therefore be disastrous and self-defeating, creating an obscurantist social milieu of the worst order. Such an attitude prescribed by the *ulama* would result in an ideology which restricts free and unhampered pursuit of knowledge. The epistemological system of the *ulama* is based on unquestioning adherence to dogma and scholasticism:

Some old commentaries on the Quran place this globe on the horns of an ox whose shifting it from one to the other causes earthquakes. It is further standing on a fish. The embellishment of the worldly heavens by the candles of the stars is another instance which the reader is asked to take literally . . . There are certain verses in the Quran from which it may be inferred that the earth is stationary and flat like a floor and that the sky is material . . . Other instances may be cited where the facts established by science may apparently bring the believer into conflict with what he believes, ultimately leading to the old controversy between Motazilites and the Asharites, between reasoned thought and blind faith. Ideally, one school, the traditionalists, believe no knowledge should be taught except that based on the affirmative, 'God has said' and 'The Prophet has said'. This shows that every kind of ideology restricts the field of human knowledge and man's belief in such ideology makes the society with such ideology static in a constantly changing world.[40]

Analysis

Muhammad Munir confronts two lines of argument in his defence of a modern secular state based on reason. The first is the position of the *ulama* and other doctrinal-minded Muslims who maintain that the Islamic state of the early period of Islam was the zenith of human civilization. Not only exemplary human beings existed during that period, but even their organization of societal life was perfect. In the present age, therefore, Muslims should try to emulate that society in its entirety.

With the help of a critical appreciation of Islamic doctrines, laws, economic and social precepts Munir shows that such a society, even if it were brought back to life, would appear to be cruel and barbarous. The effort should therefore be to pursue the Islamic spirit of equity, justice and tolerance, not institutionalized in some immutable legal codes upheld by the *ulama*, but through the exercise of trained reason based on rational knowledge.

The second line of reasoning assumes that an Islamic state can be a democratic state. Munir analyses the practices and institutions of the

pious caliphate and concludes that democracy and the Islamic state are based on qualitatively different values. Any resemblance between them is superficial and specious.

Munir quotes the authority of Jinnah to assert that the founder of Pakistan envisaged the creation of a secular democracy with equal rights for all citizens. Employing commonsense arguments, he presents a case for making Pakistan a modern secular state. Such a state would help maintain amity between Muslim sects and give a chance to non-Muslims to feel equal citizens of Pakistan. Such a course would not be contrary to Islam but in compliance with its emphasis on justice and progress.

Munir, however, ignores the part played by Islamic slogans in the struggle for Pakistan. The idea of a Muslim nation itself was based on communal distinctions, and the *ulama* were used in large numbers to popularize the idea of Pakistan among simple Muslims. Neither does he dwell on the status of that substantial part of the Muslim nation that remained in India, and whom he would now prefer to describe as Indians. Further, he seems oblivious of the fact that the ideology of Muslim nationalism obscured the social contradictions obtaining in Muslim society—of class structure, sectarian composition, etc.

The idea of a Pakistani nation embracing all Pakistanis, irrespective of religious distinctions, which Jinnah floated on 11 August 1947 and which Munir upholds, was a negation of the election campaign of 1945 which heavily employed religious symbols and values, epitomized in the notion of the Muslim nation. This may not mean institutionalized discrimination of non-Muslims, as the *ulama* insist, but some difference between Muslims and non-Muslims was inherent in the logic of Muslim nationalism. The case of Israel is comparable. Grafted on Arab soil, the Zionist state has no in-built ideological flexibility to recognize its Palestinian subjects as equal citizens of the state. This incapacity makes both Pakistan and Israel vulnerable to the pressure of religious bigots who want these states to serve the primary nation.

The argument that Pakistan was created to relieve the Muslim community of the permanent domination of Hindus is not developed into a critique of the post-independence economic policy adopted in Pakistan. Munir confines his critical analysis only to political and legal matters, and the obsolescence of Islamic taxes. He does deplore that the people of Pakistan have continued to remain poor. However, he does not propose any solution to continuous Muslim poverty; only the need for modern taxation is emphasized.

On social and cultural matters, Munir forcefully argues for the adoption of a rational approach. Science and free inquiry are possible only in a modern milieu based on scientific values. To subordinate education to a grand pre-modern ideology would be an insane decision. He does not

demand like the other modernists the creation of a modern Islam which is to provide inspiration to scientific inquiry, but a separation of religious beliefs in a complete sense from the secular worldly affairs of a Muslim society.

Notes

1. Muhammad Munir, *From Jinnah to Zia* (Lahore: Vanguard Books, 1979), pp. 145–6.
2. Ibid., pp. 146–50.
3. Ibid., p. 143.
4. Ibid., pp. 19–23.
5. Ibid., pp. vii–xii.
6. Ibid., pp. 29–32.
7. Ibid., pp. 33–9.
8. Ibid., pp. 25–8.
9. Ibid., pp. 57–70, 109–17.
10. Ibid., pp. 114–15.
11. Ibid., p. 109.
12. Ibid.
13. Ibid., p. 110.
14. Ibid.
15. Ibid.
16. Ibid., pp. 110–11.
17. Ibid., p. 111.
18. Ibid.
19. Ibid., pp. 55–7, 112.
20. Ibid., p. 115.
21. Ibid., p. 122.
22. Ibid., p. 125.
23. Ibid., p. 141.
24. Ibid., pp. 119–20.
25. Ibid., p. 98.
26. Ibid., p. 97.
27. Ibid., pp. 97–8.
28. Ibid., p. 99.
29. Ibid., pp. 101–4.
30. Ibid., p. 99.
31. Ibid., pp. 60–1, 172.
32. Ibid., pp. 101–3.
33. Ibid., p. 106.
34. Ibid., p. 104.
35. Ibid., pp. 105–7.
36. Ibid., pp. 151–5.
37. Ibid., pp. 161–73.
38. Ibid., p. 26.
39. Ibid., p. 63.
40. Ibid., pp. 27–8.

PART IV

9 Systematic analysis of the concept of an Islamic state

Statement of the problem

The most conspicuous feature of the discussion on the Islamic state is the way a line of reasoning is constructed. All the nine positions considered in Part Three are based on an attempt to interpret the true meaning of Islam. The authoritative sources used for deriving the true meaning of Islam are the Quran and *Sunna*, or in some cases, only the Quran. The Medinese state under the Prophet and the pious caliphs is the standard reference, in most cases, of an Islamic state. But since the Quran is not a treatise on politics but a Book which touches a vast array of subjects, and the *Sunna* is derived from various collections which abound in diverse and even contradictory statements and accounts, the way the authoritative sources are employed depends largely on the overall convictions of the interpreter. The same is the case with the Medinese state, especially the period of the pious caliphate, which is appreciated and understood in a variety of ways. Thus, visions of the good state range from an absolutist position denying the legitimacy of any human innovation, to the other extreme, that the matters of state and government belong entirely to the discretion of mortals, can be justified thorugh an eclectic, or rather arbitrary, appreciation of the cherished sources.

The oft-repeated postulate that in Islam there is no place for a theocracy and all Muslims can directly attempt a study of the divine message and understand it, has interesting implications in regard to the problem of an Islamic state. If there was a Church with some pyramid of authority, and it commanded obedience from the *umma*, it would be perhaps less controversial to determine the correctness of a ruling on a certain position. In Ithna Ashari Shia belief the infallible Imam is to return one day and lead the forces of good. Therefore, in that belief the ideal Islamic state will be a perfect theocracy upon the return of the Imam. In the majority Sunni tradition, however, a notion of popular rule exists since political power is considered basically a temporal matter, suggesting proximity with democratic practice; hence a variety of explanations and interpretations about this relationship. But since, according to orthodox Sunni belief, Islam does not sanction any divinely-appointed representative, it is almost impossible to ascertain the validity or authoritativeness of

any one interpretation. This situation has worsened in the modern period as a result of the European intervention which dissolved the traditional structure of authority, in which the ruler formally derived his authority from the *Sharia*, and the *ulama* acted as the experts on divine will, and thus, part of the consultative body, which symbolized Islamic suzerainty.

The British abolished the Mughul state in India in 1857. In 1864 the *Sharia* and the system of *Qadis* was displaced and a judicial system fashioned on English tradition was introduced. Thus, the historical symbols of Muslim domination came to an end and a colonial state based on secularism established its credentials. Secularism, democracy, socialism, parliamentarianism, nationalism, etc., all registered impact on the indigenous political culture.

The discussion on the Islamic state, therefore, reflects the influence of different ideas which attended the evolution of Muslim society since the time of the Prophet. This long history of course includes the impact of Western ideas. Also, the metamorphosis resulting in the traditional structure of authority, as a result of the displacement of Muslim power and the abolition of the caliphate, has affected all sections of society, requiring some adjustment between doctrine and the objective reality.

Thus, we find that even the absolutists, consisting of the traditional *ulama* and other doctrinal-minded Muslim extremists who reject any reconciliation with modernity, not mentioning the caliphate as a central institution of Islamic power. In Maududi, the effort to retain the supremacy of orthodox Islam is accompanied by selective dissociations with traditional absolutism. The modernists who identify Islam with reason, are prepared for even greater reconciliation between democracy and the Islamic state. The Islamic secularists, Zafar and Usman, abandon the position that Islam has presented any specific concept of the state. On the contrary, a brief is prepared for finding a basis for secularism in divine wisdom, 'expressed' in terms of divine silence on the subject of politics and the state, though not on some social crimes and family affairs, which are covered by appropriate legislation. Munir refers to a *hadith* of the Prophet to justify his idea of a secular state not bound by unalterable Islamic laws. In his position no vestige of theocracy is retained, and the notion of an Islamic state is dropped as a misnomer. Instead, Pakistan becomes a state based on Muslim majority.

For the absolutists and Maududi, the Islamic state functions to create a society in which Muslims must be compelled to lead their lives in such a way that they are saved from damnation in the hereafter. Material welfare comes about by creating a virtuous society based on honesty, piety and good-will. The primary and paramount purpose of an Islamic state, however, is the creation of a society based on *salat* (prayer) and *zakat* (alms-giving). For the modernists the Islamic state exists for creating a

model society based on Islamic social justice, democracy and piety. While, necessary measures should be taken by the state to promote material welfare, adequate facilities and opportunities must also be provided to Muslims to live their lives according to Islamic values, and thus ensure their salvation. In other words, the state is to promote the Islamic way of life, not impose it through fiat. Munir frees his state from such eschatological pretensions.

The terms of the theoretical bases from which the different positions emanate vary greatly. The absolutists believe in a fatalistic evolution of society in which God constantly supervises the conduct of human beings. Maududi recasts the myth of the original sin in an historical form, in the corruption of the divine republic by man's ambition to gain power; his second Fall! From Asad onwards, the emphasis shifts from a return to the original, historically-specified, good society, to an application of timeless laws and/or principles of Islam. Munir withdraws from such an approach, arguing that the Islamic state, if it ever did exist, was during the pious caliphate. Since then, Muslim states have been ruled imperfectly. Therefore, all evidence suggests that it is impossible to revive a revered phase in history, which even if brought back to life, may appear primitive today. Thus, in the fashion of a positivist, Munir rejects all notions of the Islamic state.

An analysis of important themes follows which brings out the discussion on the Islamic state in greater depth through systematic analysis. Chapter 9 ends with a chart showing the core ideas expressed on the various themes.

Legitimacy

'Legitimacy is the foundation of such government power as is exercised both with the consciousness on the government's part that it has a right to govern and with some recognition by the governed of that right.'[1] Usurpation is the opposite of that right.[2] This presupposes that there are challenges to established authority and such challenges also seek legitimacy among the people. In short, it refers to a built-in title to rule.

Max Weber distinguished the processes through which authority gains legitimacy into traditional, charismatic and rational-legal. An authority may gain legitimacy through tradition, i.e. it may become accepted on the basis of historical continuity. Rational-legal legitimacy refers to habitual obedience being rendered to authority, as it is deemed to have been won according to appropriate rules and procedures. Charismatic authority rests upon faith in a leader.[3]

About the problem of weak legitimacy in the new states of Asia and Africa, Lipset makes this acute observation: 'A crisis of legitimacy is

essentially a crisis of change. Crises of legitimacy have occurred in societies that are undergoing a transition to new social structure; for example, from feudal agrarianism to capitalism, or from capitalism to some form of socialist, welfare, or planning state.'[4]

The new Asian and African nations often cannot stabilize authority on traditional or rational-legal bases since the constitutional and legal system inherited from the past is identified with the former foreign or domestic exploiter.[5] However, legitimacy is related to effectiveness in meeting the objectives set by the nationalist movements. Often little can be done in terms of social and economic development. This provides scope for the emergence of charismatic leaders.[6]

Returning to the theoretical debate on the Islamic state, it is found that the doctrinal-minded Muslims extend the concept of legitimacy to the state itself in the case of Pakistan, since its supposedly ideological properties define its basic personality, not some specific territory. In other words, according to doctrinal-minded Muslims, not only the government or the political opposition is to seek legitimacy for their actions, the state, and through it society, is to be remoulded into a distinct personality. However, as long as a government does not abjure its fidelity to Islam, room for reconciliation remains. The absolutists and Maududi, it seems, would consider the creation of a secular democratic state illegitimate since its areligious political system, for them, would be a case of an irreligious system. As long as this is not done, room for reconciliation remains. For the absolutists, tradition is decisive. Therefore, any government could be legitimate if it recognized the *Sharia*, elaborated in *Fiqh*, and the right of the experts to interpret it. Maududi, it seems, requires consensus of the community not only on laws, but an explicit consensus on political authority through elections based on Muslim suffrage. The modernists from Asad to Usman seem to support the rational-legal basis of legitimacy of authority based on democratic processes. Munir supports only rational-legal authority untrammelled by irrational limitations.

Since Muslim suzerainty over India ended formally in 1857 the traditional basis of legitimacy in which a ruler enforced the *Sharia* is not available. In other words, there is no claimant to a throne in Pakistan. In these circumstances it seems the *ulama* aspire after the recognition of their leading role as the experts on the *Sharia*, while Maududi hopes to create an entirely new structure of legitimacy which is 'traditional' in the sense that it is based on the *Sharia* but is 'new' in that it seeks to place the ideologically vigilant pious Muslims at the helm of political power; something which has precedent only during the pious caliphate. Later, during the long period of hereditary monarchy, the *ulama* were part of the traditional consultative assembly and took care of religious and legal matters but real power was wielded by a sultan/king/emperor, etc. Under

Maududi, this division of authority is to end and power is to be concentrated in a pious elite.

On the other hand, democratic values about government and authority have survived in Pakistan as a principle of legitimacy, notwithstanding long periods of dictatorship. The rational-legal basis of legitimacy therefore seems to command acceptance from the people. It is such a basis of legitimacy on which the modernists wish to establish government authority. Charismatic leaders like Jinnah, Ayub Khan and Bhutto, however, gained legitimacy also through personal merit and popularity. However, Pakistan could not sustain the momentum of economic development which reached its peak in the mid-1960s. Also political stability could not be achieved, except under dictatorships. Under the circumstances the crisis of legitimacy in Pakistan seems to be of a chronic nature, springing from an interplay of conflicting social, economic, political and ideological factors. A theoretical solution to this problem within an Islamic framework seems difficult since the clash over fundamental assumptions is too basic.

Form of government

About the concrete shape of authority embodying legitimacy the diversity of opinion is even more pronounced. While the pious caliphate is the standard measure of righteous government, except for Maududi, who wishes a modern Islamic state to correspond to it as completely as possible, others attempt less ambitious imitations.

The absolutists aspire after the creation of a theocracy in which whosoever forms the government subordinates his rule to the ordinances of Islam as interpreted by them. Maududi stresses the elected nature of the state incumbents. In other words, he prefers a theocracy, but one in which authority is exercised by popular incumbents. Hereditary rule is clearly not acceptable. Whether it is completely illegitimate is not ascertainable from Maududi's train of thought. He requires obedience to the government as long as it is not in the hands of renegades, apostates or infidels. Dynastic or hereditary rule does not mean a denial of Islam, only a deviation. For Asad, the presidential type of government approximates to the ideals of the caliphate. Perwez does not take a clear stand on this subject, but argues strongly for a modern theocracy striving for paradise on earth. Hakim's socialist republic is a just theocracy, run by experts, though not only the established *ulama* but modern scholars also. Javid Iqbal invests the national parliament with the right to interpret divine injunctions. Zafar takes an unambiguous stand in favour of modern parliamentary democracy. Usman leaves the question of the form of

government to the best values of the times. Munir lays emphasis on secularism not prescribing any particular form of government.

The important conclusion that one can draw is that any specific form of Islamic government is not provided by any contributor. Since the abolition of the caliphate, no historical symbol of Islamic authority remains. It seems under such circumstances the *umma* can 'Islamize' an alien form of government (e.g. the parliamentary or presidential system) in some sense, but there is no ready-made form of government which can be lifted out of a sacred text or Muslim history, lock, stock and barrel, and installed in a present-day Muslim polity.

Law

Closely associated with legitimacy is the notion of legality. It means: 'that an appeal is made to some principle as a source of right—the right . . . to issue orders and enforce them.'[7] It is more than a consideration of the right to hold office and refers to the right to question the validity of official acts and laws.[8] Except for Munir, all contributors recognize that law originating in revelation is binding upon an Islamic state.

But beyond this general belief the consensus on Islamic law is very brittle. For the absolutists and Maududi, law means *Sharia* which in turn means *Fiqh*, i.e. the whole body of law on which consensus obtains. In practical terms this means that the Hanafi *Fiqh* is to be public law in Pakistan. On the other hand, the modernists emphasize only the Quran and *Sunna* as the authoritative primary sources, thereby suggesting that only the few clear-worded revealed laws are binding, not all the *Fiqh* laws based on secondary deductive reasonings of the juriconsults.

For the absolutists the system of Islamic law is complete and through the processes perfected by the juriconsults laws can be derived for all occasions and cases. Maududi provides scope for human legislation through the idea of unoccupied areas. However, such *ijtihad* is to be exercised by pious experts; laymen cannot be associated with 'law-making'. Among the modernists, law-making in the Western sense, as independent rule-making, is possible. Asad invests a supreme legal tribunal not composed entirely of experts or the *ulama* with the authority to decide the conformity of laws made by the elected legislature with the Quran and *Sunna*. Perwez recognizes only Quranic legislation, which is to be imposed precisely as laid down in the Book. In other matters, new laws can be made by an elected parliament; these, however, are to embody Islamic values. Hakim is for the *ijtihad* of wise experts, above the verdict of the ballot-box. Javid Iqbal makes the national assembly competent to apply or withhold Quranic laws, and to make new laws in unoccupied

areas. Zafar and Usman, who support the separation of politics from the state, nevertheless make Quranic laws binding.

It seems that the recognition of the superiority of Islamic law, whether that implies the huge corpus of *Fiqh* laws, or just the few laws given in the Quran, stems from the acknowledgement of Allah as the Sovereign Lord of the whole universe, in a legal sense, and thus of law as a command of the sovereign. But the way this principle is interpreted indicates different levels of sophistication and much apologetic argumentation. From the elementary anthropomorphism of the absolutists requiring complete surrender to divine law as elaborated in *Fiqh*, to the opposite tendency to understand Quranic injunctions as eternal principles, not to be interpreted necessarily in their literal sense, nor to be enforced always rigidly, can be located in the thought structure of all contributors except the absolutists. The structure of reasoning reflects vagaries and contradictions, which seem to abound especially because the thinkers attempt to harmonize the notion of eternal, unalterable, perfect, revealed law with a conception of a world constantly changing, thereby requiring adjustments.

But for any system of law to gain acceptance from the people the idea of law as a command of the Sovereign is not always sufficient; especially since in the Islamic state the Sovereign realizes his authority through the state run by experts. Now no discernable evidence exists, showing that the people in Pakistan have accepted the harsh Islamic criminal code introduced by the Zia regime, simply because the government claims and the *ulama* affirm that it originated in revelation. On the contrary, the system of public whippings begun by the Zia regime had to be discontinued, since neither world opinion nor Pakistani sensibilities were favourably disposed towards them. Now these punishments are carried out behind closed doors. The application of Islamic law, therefore, it seems, is bound to rouse popular opposition since no group commands, in the eyes of the people, the right to act as God's agent on earth. In the modern set up of Pakistan, the credibility of such pretensions is not very high.

Categories of citizens

An Islamic state by definition observes distinctions between Muslims and non-Muslims. Muslims have primary, participatory political rights, non-Muslims, secondary, basically passive rights. The absolutists, Maududi, Asad, Perwez, Hakim and Javid Iqbal assert that such a distinction is innate to the logic of an Islamic state. Zafar and Usman do not express any opinion directly on this issue. Munir is opposed to the religious basis of

nationalism and prefers the notion of a Pakistani nation embracing all citizens.

However, despite such wide agreement on this principle, extending from the absolutists to Javid Iqbal, its concrete application opens a channel for much apologetic theorizing. The *ulama* would like to impose *jizya*, although some believe that Pakistani *dhimmis* may be exempted since they are not a conquered people. Some would like only Christians, Jews and Sabians to be deemed *dhimmis*, not idol-worshippers. Also, non-Muslims could be converted into slaves, becoming slave citizens. Maududi justifies discrimination on the grounds that since non-Muslims could not be loyal to the state ideology, they should not be associated with state secrets. They may be recruited to unimportant posts. Similar though not identical ideas are contained in the apologetic stands of Asad, Perwez and Hakim. Javid Iqbal asserts that in a political sense all Pakistani citizens are equal. Yet his idea of a Muslim nation, as the primary nation, and of a Muslim assembly, precludes meaningful participation of non-Muslims in the political process.

The notion of a Muslim nation itself is not an accurate description of the historically-evolved Muslim society. Shia–Sunni distinctions have marred the whole course of Muslim history. There are various other sects, and according to the *Munir Report*, all sects accuse one another of heresy, leaving little scope for an Islamic state to function as the state of the whole Muslim people. Such a state is bound to be accused of sectarianism.[9] This suspicion is confirmed if one looks at the Islamization process of General Zia-ul-Haq's government. The imposition of *zakat* by the regime was not accepted by the Shia minority since the government was considered Sunni. Consequently the Shias were exempted from this official collection.[10] In Iran, Khomeni's Islamic state is based on the Shia Jafari *Fiqh*. It therefore candidly declares its sectarian bias.

Pakistani non-Muslims comprised about 16 per cent of the total population in 1947. Of these, 14 per cent were Hindus, living overwhelmingly in East Pakistan where they made up 23 per cent of the population. When in 1949 the government passed an Objectives Resolution proclaiming that Pakistan should be an Islamic democracy the Hindus protested. However, the gradual ascendance of doctrinal ideas, alienated them. In 1971 when East Pakistan seceded, the Hindu problem ceased to matter. Now about 2 per cent of Pakistan's population is non-Muslim, comprising mostly Christians and Sindhi Hindus. This has minimized the political significance of the religious minorities. On the other hand, since the state is officially involved in categorizing citizens on a religious basis, in the political sense, the result has been persecution of sects whom the state does not recognize as Muslims. In 1974 the Ahmadis were declared non-Muslims. During the Zia regime discrimination of the Ahmadiyya

community has been pronounced through law. They are forbidden to call themselves Muslims, to use Islamic nomenclature and to use other Islamic references for their community.

In Pakistan the idea of religious nationhood is complicated not only by the multi-sectarian nature of society, but also because of the existence of strong ethno-linguistic nationalism. Bengali, Sindhi, Pukhtun and Balauchi nationalisms have challenged the Punjabi-dominated central government several times. All such nationalisms consider 'Muslim nationalism' a cover for the expansion of central authority and monopoly capitalism, and demand constitutional recognition of their distinct entities, as component ethno-linguistic units of the Pakistani nation. In concrete socio-economic and political terms this has meant the reorganization of Pakistan as a federal state with limited powers for the central government and maximum autonomy for the provinces.[11]

Political parties

The political process in the modern world is dependent structurally on the existence of political parties. In Western democracies more than one party exists so that the individual can choose an alternative which suits his interests. The basic assumption is that society is composed of a plurality of social strata, economic interests, political and religious convictions which have a right to exist as long as they observe the law. The state which is considered the mediator between such competing variegated interests, has to maintain regular channels for their representation. The modern political party is the most typical channel through which interests are integrated and articulated routinely.[12] Moreover, a system of free political parties is considered necessary for keeping vigilance over state power and the preservation of democracy. Under communism, the communist party is assumed to represent the interests of the working people. Exploitative classes have no original right of representation and influence in such a system.

In the Muslim tradition the early sects were formed over disputes on political matters. Later, theological and doctrinal dimensions were added to these political differences. Shia, Sunni and Khwariji differences began as disputes over legitimate authority. The Islamic political ethos, therefore, contains a conception of sectarian political differences linked to the problem of true faith.

According to the absolutists, Maududi and Perwez, the system of political parties is contrary to Islam. For them, the Muslim community is a politico-ideological entity demanding adherence to uniform divine commands. Such commands prescribe only one consistent conduct. The *Sharia* being a complete guide to true conduct and belief, there is

therefore no place for political differences or political parties in an Islamic polity. Reasoning thus, they conceive of political membership as a religious right: the *umma* is a political party. A Muslim automatically possesses the right of political participation. He cannot, however, forsake this right and join another group, secular or religious. Non-Muslims are *ipso facto* debarred from membership. However, they can become Muslims and enjoy full participation in the affairs of the Muslim fraternity.

Asad finds scope for political parties, though not for competitive elections. Hakim and Javid Iqbal allow political parties. Zafar makes an original case for political parties asserting that the spirit of political competition is intrinsic to Islam. Usman's idea of the values of the times obviously commends political parties. Munir maintains that there is nothing corresponding to the modern political parties in Islam. In an Islamic state there can only be sectarian parties.

In reality, the system of political parties has existed all along since Pakistan attained independence, and the *ulama* have sought political influence most often through active participation in political parties. These political parties could be either those which represent the various sub-sects, or also, such that serve as rallying forums for a variety of economic, regional and political interests; the *ulama* are to be found in all these sundry parties.

Freedom of conscience and belief

According to the modern temper of politics the right to believe in a religion of one's choice is recognized as an inalienable right. The United Nations Charter includes this among the fundamental human rights. Some restrictions are accepted on creeds and movements preaching violence, inciting racial hatred or practising cruel methods.

An Islamic state based on doctrinal values conceives its task primarily as a medium for spreading, establishing and preserving divine truth. This duty has both internal and external ramifications. Internally, the doctrine of apostasy keeps Muslims Muslims. They have no right to change faith, and since no political parties are permitted in an Islamic milieu, the right to follow a movement or political outlook other than Islamic is irrelevant. For apostasy, at least, the punishment is death. Thus, a fundamental principle of a doctrinal Islamic state is to invest actively its resources in combating un-Islamic ideas and movements. On this particular issue, the modernists abandon all communion with traditional Islam. Asad onwards, they stress the Quranic verse which states that there is to be no compulsion in matters of faith (Quran ch. 2: 256). The doctrine of apostasy, therefore, is not to be applied in their Islamic state.

All the contributors, however, agree that non-Muslims living in an Islamic state should have the opportunity to practise their beliefs. The absolutists and Maududi, nevertheless, would forbid missionary activities of non-Muslims among the Muslims. The modernists, it seems, would not impose such restrictions since all of them stress the freedom of religious belief and no mention is made of any restrictions on this right. However, Hakim suggests obliquely some restrictions on polytheists and atheists, but not on the people of the Book. Munir points out that since an Islamic state cannot be democratic, freedom of conscience is not possible in it. Only a secular state can allow such freedom.

In the case of Pakistan, where the sectarian composition is immensely variegated, the problem of correct Islamic faith, if made a province of state interference, could mean suppression and persecution of all those who do not follow official Islam. The treatment of Ahmadis is indicative of such a possibility. Hindu grievances were ignored by successive governments. On the other hand, violent sectarian riots occur between Sunnis and Shias every year. Even among the Sunni sub-sects there are frequent clashes often prompted by doctrinal zealots.

Relations with the non-Muslim world

Closely related to the question of freedom of conscience within an Islamic state is the way an Islamic state relates itself to the non-Muslim world, the *dar-ul-harb* (enemy territory), according to traditional theory. For the absolutists, *jihad* remains an essential component of state ideology. Maududi upholds and faithfully describes the traditional doctrine. However, emphasizing the importance of international commitments which an Islamic state can negotiate to establish peace suggests a practical limitation on holy war. Thus, while an Islamic state potentially remains committed to *jihad*, this duty can be suspended. Peace, however, is not a goal in itself, and Maududi, despite much prevarication, does not see peace established in a lasting and just sense until Islam has acquired the whole world. Non-Muslims may retain their false beliefs but as subjects of the Islamic state. This seems to be his ultimate condition for not forcefully converting the whole world. The modernists, from Asad to Usman, interpret *jihad* as legitimate self-defence, or in social terms, as a struggle to remove injustice. Munir dismisses all notions of holy war as heroic nostalgia.

Thus, while the absolutists believe in launching holy war against non-Muslims, Maududi shows how peace may be kept despite the behests of doctrine to the contrary. The modernists prefer peace but in case a Muslim polity is attacked the duty to defend it is paramount. In this, they are not different from other contemporary states in the world.

In reality, Pakistan has been involved in three wars with India, in 1948 and 1965 over Kashmir and in 1971 over the secession of Bangladesh. A doctrinal holy war has not been fought by it yet. Elsewhere also, Muslim states are today involved in armed conflicts of a secular nature. Wars fought for the sake of spreading or defending Islam are not common in the current times; neither are the Crusades. The traditional perspective on war, which includes the possibilities of making slaves and concubines of non-Muslims, therefore, seems to be obsolete in the present circumstances. On the other hand, wars over territories, natural resources and national rivalries are common. Even Muslim states are fighting such wars and often among themselves.

The status of private property

The status of private property has often been discussed in the context of a just state. In political philosophy the contradiction between liberty and equality has occupied thinkers from the very beginning of civilization. All normative theory of the state has had to grapple with the problem of finding the ideal balance between liberty and equality.

The discussion on the Islamic state reflects the same concern with the ideal balance. The absolutists tied in tradition to medieval Islam consider property a favour of God. As long as it is acquired justly, and *zakat* is paid on it, it is clean, and there are no limits on how much of it can be kept by an individual. Maududi reiterates the same position. The state has no right to interfere with private property. Even the property of a *dhimmi* is beyond state interference, as long as it is legally acquired. The state cannot alter the rules of inheritance, sale and purchase, etc., as elaborated in *Fiqh*. This principle extends to all forms of property, in land, commerce, production, etc. As for equality, Islam is against all attempts to force unnatural equality among human beings. However, voluntary charity is to help eliminate the problem of hunger and misery. In an ideal Islamic milieu God-fearing Muslims would also be the most generous philanthropists. Even if this were not to happen, Maududi is opposed to state intervention which seeks to redress the problem of outstanding poverty through alteration of proprietary rights.

The modernists support the right to private ownership but not in an unqualified sense. Asad is for suitable reforms which create a healthy egalitarian order. This position finds support among all modernists ranging from him to Munir. Perwez takes a drastically revolutionary stand by insisting that the means of production should be owned collectively. Hakim names his Islamic state a socialist republic. Javid Iqbal, Zafar and Usman find the economic system of an Islamic state similar to democratic social democracy. *Zakat* is interpreted as a means of realizing equality.

Further, its *Fiqh* rate is not insisted upon. Ceiling on ownership finds express support in Perwez' and Usman's ideas. Others obviously imply such limitation since the need to introduce reforms is upheld by them. Munir does not discuss the economic shape of his secular state but expresses the need to alleviate the suffering of the common man. This he finds is not possible if the traditional system of property is maintained.

The modernists, while not going into specific limits on commercial or industrial property, express support for radical land reforms, including the idea of a maximum holding. Allama Iqbal's idea of land to the tiller with a maximum based on self-cultivation figures in Javid Iqbal's book. Perwez and Hakim mention that in Islam land belongs to God. Zafar and Usman who believe in democratic socialism could be expected to support such a proposal. Munir also speaks of the suffering of the toiling masses and the need to mitigate it.

A dividing line between doctrinal purists and the modernists can therefore be drawn on two levels. First, the former support unrestricted right of legal ownership. The latter recognize the right to property but empower the state to redress the economic imbalance in society through appropriate legislation. Second, on the land question, while the doctrinal purists (assuming that Maududi represents the absolutists also) are opposed to a ceiling on private ownership of land, the modernists mostly support radical land reforms based roughly on the principle of land to the tiller and an end to absentee landlordism.

Thus, in any modernizing effort of the state, which in Pakistan must include a consideration of feudal ownerships, the doctrinal purists are likely to oppose such measures, while the modernist support may be forthcoming in different degrees of enthusiasm. Since 1960, the process of land reforms has been initiated by the state, but so far the principle of 'the land to the tiller' is in abeyance; in fact it is remotely removed from the reality.

In Pakistan, where 80 per cent of the population lives in villages, rural poverty has continued to grow. In the cities economic disparity has actually sharpened. A new middle-class enjoying a modest level of comfort has evolved through mass migration of Pakistani workers to the Arab countries and Europe. But such developments obviously are no basic solution. A government aiming at the elimination of poverty through democratic means is therefore likely to be confronted by strong conservative opposition invoking *Fiqh* rulings which describe private property as a sacrosanct right, beyond state review. This pro-property bias of traditional Islam is captured concisely in the remarks of the well-known scholar of Islam, Maxime Rodinson:

> How can one proclaim: 'In the name of Islam, such and such property may be socialized', when the owners of this property are paragons of devotion, when the

majority of the religious are ready to proclaim (and rightly) that Islam sanctifies private property, when Islam is bound up historically in everyone's mind with that traditional society of which the practically untouchable status of private property is, after all, one of the fundamentals?. How can one denounce as adversaries of Islam all these personalities whose attachment to Muslim practices and beliefs is obvious, demonstrative, even ostentatious, and when none of these their beliefs or practices is being attacked?[13]

The economic basis of the welfare state

All the contributors to the discussion on the Islamic state believe that Pakistan should be a welfare state. For the absolutists and Maududi, the basis of welfare is not an increased involvement of the state in this region but voluntary contributions. *Zakat* and other Islamic dues are the only rightful dues which society can expect of the rich. Whether the state is competent to collect them in its own right is not a settled fact in *Fiqh*, but Maududi approves of state collection. But over and above *zakat*, no regular additional taxes can be imposed by the state. Temporary additional taxation, however, is possible according to Maududi. The modernists ranging from Asad to Usman demand state intervention in promoting material welfare. The idea of *zakat* is not interpreted in the formalistic, legalistic style of the doctrinal purists, but as a broad principle of social justice purported to keep Muslim society free of the extremes of wealth and poverty. Additional taxes, besides *zakat*, can be imposed by the state to realize the Islamic goal of creating a social order based on the golden mean—a society comprising a strong middle-class. Munir tries to show that the traditional Islamic taxes and sources of state income are insufficient for creating a healthy modern society. A modern taxation system based on a realistic appreciation of the needs of Pakistan is therefore required.

Thus, in terms of sustaining welfare the assumptions and means differ deeply between the doctrinal purists and the modernists. For the absolutists and Maududi, any idea of a new economic policy based on rational taxes and limits on ownership is innovation which is contrary to the teachings of Islam. The moral fibre of an Islamic society is the best guarantee of true material welfare. The modernists are less convinced about individual charity and would like to authorize the Islamic state to plan economic progress and development in the Islamic spirit of equality and collective welfare.

The economic system which the absolutists and Maududi have in mind, besides being lifted out of *Fiqh*, presupposes the inflow of riches through warfare, which in the period of Umar brought into being true welfare in Medina. Maududi mentions 20 per cent (i.e. the *Khums* tax) of war spoils as one of the economic sources for supporting the state's welfare activities. The modernists do not proceed from such a complacent appreciation

of the existing circumstances of the Muslim world, but seem to be conscious of the need for such change which puts Pakistan on the rails of a modern welfare state.

The position of women

On the question of women, two irreconcilable positions obtain. For the absolutists and Maududi, strict segregation of the sexes is necessary for keeping society free of sin and evil. They do not favour the idea of the equality of women in any sense of the word. Thus disenfranchisement of women would be required as an Islamic society moves closer to the ideal milieu. Maududi considers the right of vote for women harmful, and suggests measures to curtail this freedom within Islamic limits. Also, the idea of keeping four wives simultaneously is a divinely-approved right of Muslim men. No human plea for tampering with this sacred sum can be accepted, since interference would be a defiance of a divinely-approved social balance. Besides, the existence of concubinage is recognized in *Fiqh* and the practice of the Medinese state. All these facts point to the recognition in Islam of the leading position of men, and the concomitant subordinate position of women.

The modernists argue that Islam preaches equality. In seventh-century Arabia women were treated as chattels. Islam provided legislation conferring rights on them. They were given a share in property and granted several other social privileges. Further, Islam fixed the number of wives at four. This was a blow to the practice of the day which allowed an unlimited number of wives. From this attitude of the Quran, it is manifest that Islam improved the conditions and status of women. The direction of Quranic injunctions, therefore, is towards greater equality of women, and an Islamic state can legitimately introduce legislation against polygamy and other social abuses. Women can get themselves education and can also participate in public life. Munir expresses support for a modern society based on the equality of all citizens. Discrimination against women is not to be allowed in modern Pakistan.

Pakistan granted universal adult franchise at the time of independence. In 1961, the Muslim Family Laws Ordinance made polygamy difficult although it was not banned. Up till now women have been allowed to study in the universities alongside men. They work as doctors, nurses, teachers, and are in increasing numbers being employed in miscellaneous government and private concerns. But since General Zia-ul-Haq came to power, the effort has been to institutionalize female inferiority. In 1983 a new law of evidence was placed before the public which reduced the worth of the evidence of a female witness, half in value to that of a man. In other words, the evidence of two women was to be considered equal to the

evidence of one man. In this regard, attention was drawn to the Quranic verse:

> And if there are not two men,
> Then a man and two women,
> Such as ye choose,
> For witnesses,
> So that if one of them errs,
> The other can remind her. [Quran ch. 2: 282.]

However, this law, like many other Islamization measures, has not received much support from the public. Several social and political organizations protested against it and women agitators organized public demonstrations to express their anger. But it was adopted with minor modifications in 1984.[14]

Position of science and art

How should an Islamic state receive the growing body of scientific knowledge and the various art forms is a question which perplexes Muslim opinion deeply. For the absolutists and Maududi, all revealed knowledge, as understood by them, is final, immutable, and authoritatively binding. Maududi adopts the position that whatever explanation new scientific theories may provide on the nature of phenomena, if it does not conform to Islamic belief either it is wrong or, through fresh probing in the meaning of Quranic verses, hints and symbols can be found which confirm the findings of science. Revealed knowledge cannot be wrong, but human intellect can err. This is an interesting position since Maududi, who otherwise supports the idea of inerrancy of *ijma*, admits that it can be in error.

The modernists believe that Islam is a faith based on reason. A contradiction between belief and scientific fact should not occur because Islam does not pretend to provide knowledge about every thing. Muslims are expected to exert their intellect to acquire non-revealed knowledge. Islam encourages Muslims to probe and question. The Quran advises human beings to reflect and ponder. Also, attention is drawn to the Islamic advice urging Muslims to go to China even in search of knowledge. That knowledge can, and does, exist outside the Quran and *Sunna* is acknowledged in the modernist mode of reasoning. Such knowledge is to be acquired through rational procedures. In other words, the provinces of religious and secular knowledge are separate. Islam encourages the pursuit of rational knowledge, it does not provide it every time.

The position of the absolutists and Maududi on art and art techniques, is thoroughly scholastic. Thus, according to Maududi, while photography is banned in Islam, cinematography is not. In short, the position of the

doctrinal purists is dogmatic and unbending. On the other hand, the modernists from Asad to Usman suggest a moderately liberal position. Good arts can be pursued, obscene art is not conducive to the well-being of Muslim society. Munir opposes all subordination of science and art to the narrow confines of dogmatic ideology. He points to the fallacious beliefs about the world and universe which the medieval Muslims held. He warns that unless knowledge and science are freed from the hold of dogma, Pakistan cannot make any meaningful progress.

Comparing the positions of the doctrinal purists and the modernists on knowledge, science and art, one finds that their differences are too basic. While the doctrinal position cannot be applied usefully in a modern, or modernizing society, the position of the modernists prepares ground for the reception of rational knowledge. However, the chances that such a process may be interrupted by dogmatic censure exist potentially, since the modernists do not recognize in principle that religious belief and scientific truth may come into confict, and therefore a separation between them is necessary so as to create conditions for the healthy growth of free critical inquiry.

Such an assumption is not warranted by the experiences of the Western world, where the secularization of the state became necessary for, among other things, protecting scientists and philosophers from Church terror. Munir takes an uncompromising stand on separating the pursuit of knowledge and free inquiry from religious supervision. This he believes is possible only in a secular state.

The position of various contributors on selected themes

Contributors	Legitimacy	Form of Government	Law	Citizens	Political Parties
Absolutists	Traditional; doctrinal state	No particular form provided by Islam; pious caliphate ideal	Derived entirely from *Sharia* as elaborated in Fiqh	Muslims separate nation; non-Muslims have no political rights	Contrary to Islam
Maududi	'Traditional' pious elite at helm of affairs; doctrinal state	Elected government based on pious caliphate model; Muslim suffrage	Derived from Sharia and Fiqh; scope for human legislation in unoccupied areas	Muslims separate nation; non-Muslims very limited participation in politics	Contrary to Islam but can be adapted in modified form
Asad	rational-legal within Islamic limits; modern state	Elected government based on presidential system; Muslim suffrage	Based on Quran and *Sunna*; scope for human legislation in vast areas	Muslims separate nation; non-Muslims have limited political rights	Possible in Islam but canvassing for office not allowed
Perwez	rational-legal within Islamic limits; modern state	Elected government; Muslim suffrage	Derived entirely from Quran by Muslim Assembly	Muslims separate nation; political rights of non-Muslims not discussed	Contrary to Islam

Hakim	rational-legal within Islamic limits; modern socialist state	Elected government; Muslim suffrage	Based on Quran and Sunna but given final shape by experts	Muslims separate nation; non-Muslims may participate in policy implementation	Permitted in Islam
Javid Iqbal	rational-legal within Islamic limits; modern ideal secular state	Elected government; Muslim suffrage	Based on Quran and Sunna but applied on discretion of Muslim Assembly	Muslims primary nation; non-Muslims part of 'Pakistani nation'	Permitted in Islam
Zafar	rational-legal; modern secular state bound by divine law	Elected government based on parliamentary system; suffrage not discussed	Based essentially on rational deliberations but divine law applies	Muslims constitute a nation; non-Muslims not discussed	Epitome of Islamic Political Spirit
Usman	rational-legal; modern socialist state bound by divine law	No particular form in Islam; Democracy best today; suffrage not discussed	Based essentially on rational deliberations but divine law applies	Muslims constitute a nation; non-Muslims not discussed	No hindrance in Islam
Munir	rational-legal; modern state based on rational principles	Should be based on appropriate democratic system; universal suffrage	Based strictly on rational deliberations	All Pakistanis one nation; religious nationhood divisive	Necessary for democracy; therefore commendable

The position of various contributors on selected themes (*cont.*)

Contributors	Freedom of Belief	Non-Muslim World	Private Property	Welfare State	Position of Women	Science and Art
Absolutists	Muslims cannot change faith; non-Muslims can retain their beliefs	Peace temporary; confrontation unavoidable	Sacrosanct; state cannot interfere with justly acquired property	Based on *zakat* and voluntary charity	To be segregated and excluded from public life	To be subjected to Islamic standards of Truth and Morality
Maududi	Muslims cannot change faith; non-Muslims can retain their beliefs	Peace can be negotiated; confrontation inevitable	Sacrosanct; state cannot interfere with justly acquired property	Based on *zakat* and voluntary charity	To be segregated; limited participation in women's affairs	To be subjected to Islamic standards of Truth and Morality
Asad	Complete religious freedom	Peace desirable; right of self-defence is *Jihad*	Recognized; state can impose limit and necessary taxes	Based on organized state intervention	To be allowed participation in public life as equals	Education and free inquiry to be encouraged
Perwez	Complete religious freedom but no Muslim sect allowed	Not discussed but peace with non-Muslims follows from reasoning	Recognized within strict limits; state to own means of production	Based essentially on state intervention	To be allowed participation as equals in public life	Science to be pursued freely; arts within Islamic limits

Hakim	Complete religious freedom but polytheism to be discouraged	Peace desirable, but ideological confrontation with atheism and polytheism necessary	Recognized within limits; state can take over in public interest	Based on organized state intervention	To be allowed participation as equals in public life	Science and Culture to flourish
Javid Iqbal	Complete religious freedom	Peace desirable	Sacrosanct; state can impose limits in public interest	Based on organized state intervention	To be allowed participation as equals in public life	Science and Culture to flourish
Zafar	Not discussed, but religious freedom follows from author's reasoning	Not discussed but desirability of peace follows from author's reasoning	Recognized within limits; state can take over in public interest	Based on organized state intervention	Not discussed; participation as equals in public life follows from author's reasoning	Not discussed, but intellectual freedom follows from author's reasoning
Usman	Not discussed but religious freedom follows from author's reasoning	Peace desirable	Recognized within limits; state can take over in public interest	Based on organized state intervention	To be allowed participation as equals in public life	To be pursued freely
Munir	Complete religious freedom	Peace desirable; holy war obsolete	Should be allowed within rational limits	Based on organized state intervention	Should be allowed participation as equals in public life; not possible in doctrinal state	Should be pursued freely; not possible in doctrinal state

Notes

1. *International Encyclopedia Volume* 9, see 'Legitimacy' by Dolf Sternberger, p. 244.
2. Ibid.
3. Neil J. Smelser (ed.), *Sociology: An Introduction* (New York: John Wiley & Sons, 1967), see Seymour Martin Lipset, 'Political Sociology', pp. 442–3.
4. Ibid., p. 443.
5. Ibid.
6. Ibid., pp. 444–6.
7. *International Encyclopedia Volume* 9, see 'Law: The Sociology of Law' by Philip Seznick, p. 53.
8. Ibid.
9. *Munir Report*, p. 219.
10. Edward Mortimer, *Faith and Power* (London: Faber and Faber, 1982), p. 226.
11. Feroz Ahmed (ed.), *Focus on Balauchistan and Pushtoon Question* (Lahore: People's Publishing House, 1975), see Aijaz Ahmad 'The National Question in Balauchistan', pp. 6–43; see also Feroz Ahmed 'Pushtoonistan and the Pushtoon National Question', pp. 85–114.
12. Almond and Powell, *Comparative Politics: A Developmental Approach* (Boston: Little, Brown and Company, 1966), pp. 85–6, 98–127.
13. Maxime Rodinson, *Islam and Capitalism* (Penguin Books, 1974), p. 230.
14. *Viewpoint (weekly) August 15, 1985* (Lahore: 4 Lawrence Road).

10 Conclusion

The concept of an Islamic state as a political ideology

In this section the various conceptions and dimensions of ideology examined in Part I chapter 2 are applied to the concept of an Islamic state as a political ideology.

The Islamic state as a vision of a good society

Following our definition of ideology (see p. 26) we find that the visions of the good society upheld in the various positions vary immensely. Consequently the type of salient, social, economic and political relationships that a good society sanctions also reflect considerable variation. This obviously gives different directions to moral reflection and the activities required for attaining or preserving the good society. These aspects of ideology are brought out in detail in Part Three and chapter 9 of Part Four of this book.

In its simplest identification task or use, we find that such an ideology provides a 'We–They' dichotomy based on the difference of religious belief. As a symbol of anti-colonial struggle the idea of a Muslim state has been used effectively in mobilizing mass participation in many parts of the world. In India too, we find that the Muslim League managed to rouse support for the creation of an 'Islamic state' in the 1940s (see chapter 4). After independence, the 'We–They' distinction can still be maintained more easily between Muslims and non-Muslims. Some confusion exists even on this, since in traditional theory the people of the Book, i.e. Christians, Jews and Sabians are covered explicitly by *Sharia* injunctions as subjects of the state, while others, e.g. Hindus, animists, miscellaneous polytheists, theists, atheists, etc., do not figure in traditional *Sharia* injunctions (see p. 61).

On the question of Muslim identity, it seems the problem of right belief is problematic if the state is based on doctrinal values. Maududi's suggestion of a separation of public law and personal law as a means of avoiding sectarian conflicts, is not likely to assuage the fears of minority sects. The Ahmadiyya problem and Shia refusal to pay *zakat* are cases in point. The doctrine of apostasy is bound to involve the state on a

permanent basis in matters of true belief. The modernists Asad, Perwez, and Hakim explicitly uphold the duty of the state to distinguish between Muslims and non-Muslims. In Javid Iqbal's scheme this distinction is implied. On the question of true Muslims, all the modernists seem opposed to state interference.

In a political sense, therefore, besides the potential conflict between Muslim sects, a conflict between doctrinal Islam and modern Islam is possible. The task of identifying citizens according to belief, while being the most conspicuous feature of the Islamic state, is not an easy principle on which the affairs of the state can be regulated, given the complex sectarian and ethnic structure of Pakistani Muslim society. This observation is sustained by Syed (see p. 11).

The types of economic and social characteristics associated with the Islamic state vary also. A spectrum of positions from an argument for a continuation of feudal and big landownerships, to the opposite position that means of production should be owned collectively is associated with the notion of a just Islamic state.

On the level of prescription, the disagreement abounds in diversity. The absolutists uphold and prescribe traditional Islam in its 'entirety' (i.e. the *Sharia* as elaborated in traditional *Fiqh* Islam, minus the caliphate). Maududi does so somewhat less completely, and the modernists labour hard to rid their prescriptions of antiquated traditional beliefs, symbols, norms, practices and values. Only the validity of the timeless applicability of Quranic laws is not questioned, although sufficient circumlocution exists even on this, and the idea of withholding their enforcement is suggested (see Hakim p. 137, see also Javid Iqbal p. 142). Munir alone rejects the binding nature of Islamic law.

The various contributors evaluate the existing shape of the political and social set up of Pakistan in many different ways. Views ranging from the total rejection of all modernity of the absolutists to the opposite tendency to adopt rational attitudes towards societal matters and adjust to the changing values of the times, can be found in the thought of the thinkers/thought groups. Doctrinal, socialist, parliamentary, Islamic democratic, Islamic socialist, secularist, etc., ideas, which Majid Khadduri located in the ideas of Arab thinkers in the modern age (see p. 6), are echoed in the thought of Pakistani thinkers/thought groups.

In practical terms this implies that if Pakistan moves towards the traditional pre-modern, medieval milieu, the absolutists and Maududi would evaluate such change in positive terms. On the other hand, the modernists are likely to support change which enhances the advancement of society. A clash of values is therefore inevitable. In short, one can say that there is no one specific concept of the Islamic state, but several. This confirms the observations of Mortimer (see p. 5), Smith (see p. 7–8),

Binder (see pp. 8–9), Wilcox (see p. 10), Abbot (see p. 10), Rosenthal (see p. 11) and Hjärpe (see p. 11).

The Islamic state and action orientation

Partridge (see p. 19), Almond (see p. 19), Apter (see p. 19–) and Sigmund (see pp. 20–21) refer to the action orientation of ideology as its main distinctive characteristic, which sets it apart from other realms of thought. In the case of the discussion in Pakistan on the concept of an Islamic state, it is obvious that the whole discussion is purported to give direction to reflection and activities aiming at the realization of some tangible societal goals. Such discussion, therefore, can certainly be classified ideological.

The Islamic state and modernization

Apter (see p. 20), Sigmund (see pp. 20–1) and also Shils (see p. 23) assert that the situation in the developing countries is ripe for the emergence of ideologies. Modernization is destabilizing the old order of society and forcing the different indigenous social forces to address themselves ideologically to this process of change. This observation is certainly valid in the case of Pakistan where the clash of traditional and modern values has led to endless ideological controversy.

Apter's classification of the ideological trends in the developing regions into nationalist, socialist, scientific and neo-fascist (see p. 20), is in large measure relevant for categorizing the discussion in Pakistan on the Islamic state. However, Pakistani nationalism expressed in the notion of a 'Muslim nation' lacks the dramatic appeal in that it is not an anti-Western radical ideology, blaming colonialism for the exploitation of the people. Rather, while the doctrinal purists lament the appearance of a modern society with its concomitant ideas of democracy, freedom of conscience, equality of the sexes, socialism, workers' rights, etc., the modernists attempt adjustment with these Western ideas. Hakim, Perwez and Usman represent radical ideas of social justice, which can be considered samples of the socialist trend. Asad, Javid Iqbal, Zafar and Munir adopt rational, gradualist positions on socio-economic change, and prescribe adjustment rather than radical change in the existing Pakistani socio-economic structure.

On the other hand, Maududi's ideas of an all-embracing Islamic polity could lead to the creation of a totalitarian state. Kalim Bahadur and Charles J. Adams point out such a tendency in Maududi's ideas (see p. 10). Maududi's arguments indicate unequivocally the subordination of civil society to the authority of the state. Such a state would be run by a pious elite committed to the sovereignty of God. That such a state is

protected from error, since it relies on perfect divine law, is not sufficient guarantee in the practical realization of perfect justice. Under all circumstances the interpretation of law is the province of human intellect. In all real situations, therefore, it is the human factor which imposes Allah's sovereignty. A dictator, proclaiming loyalty to divine injunctions, can manipulate the authoritarian nature of a doctrinal Islamic state to crush popular upsurge for democracy and socialism since these values are irreconcilable with the principles of the state.

A new form of fascism could therefore develop in an Islamic state raised on Maududi's ideas, since the state is conceptualized as a repository of power, albeit sacred power destined to defeat all human arrogance about independent will. Maududi's extremely conservative stand on property, the position of women and non-Muslims, the infallibility of past *ijma*, etc., is indicative of a hierarchical and authoritarian nature of the Islamic state and social order. Such a state presupposes a political hierarchy in which individuals submit to the commands of pious deputies who are not divinely-ordained but divinely-guided through revealed law; a social hierarchy in which chaste obedient women follow the lead of conscientious, good Muslim men; a religious hierarchy in which non-Muslims are assured protection by the Muslim nation; and an economic hierarchy, which includes both pious rich men of unlimited means, and the poor who can expect state and voluntary charity, but cannot demand change which removes the institutionalization of poverty.

Against such an unequal nature of the Islamic state Maududi has no remedy/remedies in mind, except the fear of God which keeps all those who are favoured by Providence with authority, wealth and responsibility, aware of their roles as caliphs (vicegerents) of God. However, to see to it that such caliphs do not establish personal dictatorships, but enjoy the support of fellow-caliphs, Maududi insists on the elections of those-in-authority. The rich caliphs are, however, exempted from seeking a mandate from fellow poor caliphs. For the rich caliphs the fear of God suffices (see pp. 105–8).

Although, Maududi does not support racialism in any form, he nevertheless emphasizes discrimination on the basis of belief. The Muslim nation thus becomes the special, primary people. The doctrine of apostasy virtually makes submission of the believers total and irreversible. It is a type of ideology which can be used for creating a closed social order, with its insistence on complete surrender of the individual to the dictates of the state. All these potential tendencies point to the emergence of fascistic tendencies in a poor, largely peasant society, confronted by the Juggernaut of modernization.

The Islamic state and the distortion of reality

Sigmund's observation that ideology is used partly for the purpose of systematic distortion, exaggeration or simplification, both to convert values into guides to action and to keep a regime in power (see pp. 20–1), is relevant for understanding the situation in Pakistan. Since Pakistan is an ideological Islamic state all regimes which have come to power have sought legitimacy by swearing loyalty to Islam. Over the years, the pressure to give shape to such commitment has kept the forum open for theorizing on this matter. The various standpoints included in this inquiry, although the works of independent individuals, aim at legitimating the creation of Pakistan and a political order which they believe corresponds to its founding principles as understood by them. The unique basis of its creation—that it would be a state based on Islamic values/ Islamic way of life—imposes moral constraints upon Pakistani intellectuals to translate this proclamation into cogent formulas. Hence so many different versions and variants of the state are available. In addition, it would not be unreasonable to assume that the different authors, combine both sincere effort to translate these values into guides to action, and wilful distortion, exaggeration and simplification of facts to make their 'model' morally and politically appealing to Pakistani public opinion.

Mannheim's definition of ideology and utopia as distortions of reality and thus unrealizable, the former aiming at the stabilization of the *status quo* and the latter a return to some impossible pure past (see p. 21), poses fundamental problems of determining what constitutes 'reality'. But assuming that the general observation of social and political scientists, of both Western amd Marxist persuasions, that the Third World is in a state of qualitative transition necessitating fundamental changes in the social, economic and political structures, is correct, one can apply Mannheim's ideas usefully to the situation in Pakistan. Pakistan is a modernizing society where the trend towards urbanization and industrialization has attained some degree of maturity. Further, the established mode of attaining knowledge is thus far based on rational, secular principles. Liberal humanities, social sciences, and natural sciences are the areas in which students get their education. This process seems quite irreversible, in any ordinary commonsense appreciation of the intellectual needs of any society in the modern world. Under these circumstances, there does not seem to be any alternative to the material and intellectual transformation being wrought by the process of modernization.

Therefore, in Mannheimian terms, the absolutist and fundamentalist versions of the Islamic state are utopias, since they aim at the revival of pure Muslim society which existed before the modernist changes got

underway: in practical terms, this means the medieval Muslim milieu or the pristine Islamic republic of the pious caliphs. Asad, Perwez, Hakim and Javid Iqbal aim at the harmonization of immutable divine laws and modern values of human freedom, popular will, equality of women, etc. Such theorizing tends to resemble ideology in that even such reconciliation is unrealizable. The forgoing analysis in Part Three and chapter 9 in Part Four, brings out the incongruity of all such harmonization. This is taken up again in detail in the end of this chapter under the heading *Islam and Democracy*. Zafar and Usman seem to be aware of the irreversible process of social evolution and prepare the sketch of a pragmatic Muslim state equipped with necessary flexibility to move along with the process of change. They are, however, apparently oblivious to the clash between notions of immutable divine laws and the ideas of uninterrupted evolution to a higher and better society which they wish their Islamic state to uphold and pursue simultaneously.

The belief in the applicability of divine laws, it seems, is part of the vital emotional commitment (which according to Mannheim can lead to distortion in analysing reality, see p. 21) and could partly explain their distorted appreciation of the objective reality. Munir, it seems, is not affected so deeply by an emotional commitment to Islam, and tries to achieve a realistic grasp of the objective situation in Pakistan.

The Islamic state as an instrument of class domination

Applying the Marxist concept of ideology, that false consciousness was created by the ruling class to manipulate the workers, one can suspect that the concept of an Islamic state can lend itself to such manipulation easily. Expressed in several hues, shades and colours, the Islamic state seems to redound in effecting distortion. Thus ideas ranging from the existence of men for the state to the opposite view that the state exists for the people can be discovered in various adumbrations about the Islamic state. The absolutist model prescribes an absolute autarchy, Maududi loosens this absoluteness only slightly, from Asad onwards the state is conceived as a means to an end: the all round well-being of the citizens.

Such being the multi-dimensional character of the ideology of an Islamic state, one can suspect that a skilful ruling class can put to use these various possibilities. The liberal model can be tried, but if it leads to a situation where popular will through legal, democratic channels ventilates a demand for democratic social, political and economic changes, it can be discarded in favour of a conservative, authoritarian version of the Islamic state. However, such manipulation is not friction-free. In Pakistan, where the social and economic order is neither wholly

capitalist nor completely feudal the clash between feudal Islam and modern Islam can ignite many a political explosion.

Gramsci's idea of hegemony of the ruling class, and of the intellectuals serving as the intermediaries of the social order, assumes a stable bourgeois order in which the capitalist class has stabilized its leading role. Under situations of crises such hegemony can be destabilized (see p. 22). In many parts of the Third World the social order is sustained through the coercive power of the state and it is difficult for the competing classes to secure their ideological hegemony. The result is ideological refraction.

The struggle for dominance in Pakistan involves power blocs of landlords, industrialists, financiers, civil and military personnel, the *ulama* and other doctrinal forces, the regional nationalists and the middle-class intellectuals. By invoking and emphasizing some particular set of Islamic precepts and historical precedents these different forces have sought to legitimate such varied objectives as the preservation of the *status quo*, gradual modernist change, a drastic return to the past and radical socialist-oriented change. However, the idea of an Islamic state can be employed more easily to oppose both regional forces demanding greater autonomy from the Centre and radical movements for basic change in the political and economic structure of Pakistan. On a horizontal level the concept of an Islamic state, epitomized in its core idea of the Muslim nation, is more easily amenable to the interests of centripetal forces in society who can use the idea of single Muslim nation, against the aspirations of the centrifugal forces emphasizing the multi-ethnic character of Pakistan. On the vertical level, the defenders of the *status quo* invoking traditional *Fiqh* can manœuvre the concept of an Islamic state to preserve the institution of property. The poor are thus clearly at great disadvantage. This phenomenon is discussed in greater detail in the last section of this chapter under the heading *The concept of an Islamic state in Pakistani politics*.

The Islamic state and the legitimacy of the social order

Both Easton (see p. 19) and Althusser (see p. 22) point to the function of ideology in creating legitimacy for the political system by disseminating 'proper' beliefs. In the case of Pakistan where the whole society is in transition, the legitimacy of the political system, so far, is in dispute. This refers not only to the conduct of government but also to the credentials of the Pakistani state. Created as a state meant to practise the unique Islamic way of life, this commitment has led to endless attempts to give some tangible form to it. While traditional notions of legitimate power upheld by the absolutists and Maududi commend an autarchy, the modernist

notions about it are derived in large measure from Western political thought. The state in Pakistan is, therefore, hard put to create ideological apparatuses which can evolve a coherent belief system which legitimates political authority.

Javid Iqbal makes concrete suggestions in this regard. He urges the creation of a state-employed cadre of clericals who should receive standardized education in theology, Islamic law and social sciences (see p. 143). The idea of formulating a new educational system based on Islamic ideology is central to Maududi's scheme too (see p. 110). Perwez bases his system of ideological education on Quranic values (see p. 132). However, it is doubtful if such changes in the educational system can succeed in effecting a harmonious intellectual milieu which moulds both the ecclesiastical order and the existing secular school system into one ideological cadre. The clash over what constitutes true Islam, what are the criteria of true knowledge, how can it, and should it be acquired is too fundamental among the different sections of Muslims. There is, therefore, little hope that the problem of right political beliefs and attitudes towards authority can be resolved through free debate amongst the different schools of thought. This observation is sustained by Wilcox (see p. 1).

The Islamic state as an ideology and an outlook

Applying Shils' scheme of classification (see pp. 22–4), one finds that Maududi's concept of the Islamic state constitutes a complete *ideology*, with closed boundaries; a highly systematized emphasis on the sovereignty of God and the consequent denial of the independence of human will; an attitude of confrontation with the modernist *outlook*; a demand for complete submission and conformity from adherents. His conception of the Muslim community—the *umma*—is as an ideological party organized into one compact entity which finds ultimate perfect expression for its all-embracing scheme of life through nothing less than the agency of an Islamic state. For him, Islam, the *umma* and the state are inseparable. In fact, in his scheme Islam becomes the STATE. This renders Maududi's ideology of the Islamic state a singularly apt example of an 'intellectualized religion'; a perfect instance of ideology.

The absolutist standpoint, notwithstanding its claim to completeness, should more properly be classified as an outlook. While being an outlook which repudiates all connexion with modernity, it nevertheless is a loose attitude where a great deal of ritualistic and theological plurality can obtain. As long as the pious ruler ensures the supremacy of the revealed law, the various types of Sufi Orders, sects, sub-sects, etc., can exist without a central authority endeavouring to maximize conformity to a standardized state-approved code of conduct. In other words various

creeds, which differ and even conflict with one another, can coexist in the absolutist outlook. The boundaries of such an outlook extend, in all probability, from the time of the Prophet until the British abolished the Mughul state. This means that more than a thousand years of historical Islam are owned as legitimate by the absolutists. It becomes an ideology only when the problem of the admission of alien, non-Islamic impulses is concerned.

As has been argued in an earlier part of this book (see p. 25), an outlook *ipso facto* must possess boundaries, that is to say, a tolerance level beyond which it disintegrates, in order to function as an intelligible frame of reference with which human beings can order their moral priorities in the world. Thus, an outlook can become ideological when serious disturbance occurs in its system. Shils' description of outlook does not point out explicitly this transformation.

All this inclines one to classify absolutism as an outlook. In practical terms, absolutism is a negative approach to the existing reality of Pakistan. It prescribes a cancellation of the situation as it is but does not propose, beyond general principles how the complex structure of Pakistani society ought to look like.

Among the modernists, Perwez comes nearest to Shils' conception of *ideology*. While Islamic ideology is to give shape to each and every sector of human life in his state, such an ideology comprises only the few Quranic laws; the rest are broad principles given in the Holy Book, which provide latitude for human legislation. This implies that in practice Perwez does not possess detailed prescriptions, and therefore, no definite, or definitive, shape of the Islamic state. All other modernists should be called proponents of outlooks. Their outlooks provide scope for all sorts of variations within the mould of a modern society professing fidelity to Islam. Different creeds, such as opinions about supremacy of revealed laws, parliamentary democracy being the essence of the Islamic political spirit, equality of women, or that the values of the times determine Muslim corporeal priorities, etc., although reflecting difference of emphasis, and even conflict over fundamentals, nevertheless, can be included in the broad, often vague outlooks of the modernists. Theoretically, this means that such an attitude prescribes compromise and adjustment with the objective reality and enough opening is provided for the entry and inclusion of elements from other outlooks, creeds and even *ideologies*. A deliberate attempt to harmonize traditional Islamic values with Western thought typifies the modernist paradigm.

However, despite the closed system of Maududi and the relative openness of other positions, it is clear that they all echo the problems of Pakistani society through a frame of reference derived from a common ongoing culture, the ongoing culture reflecting both traditional Islamic

and Western liberal and socialist notions of political authority. In short, the impact of ideas from the time of the Prophet to the modern impulses comprise the ongoing culture.

Thus, we find that even the absolute rejectionists, while refusing any compromise with modern secular values, do not mention the institution of the universal caliphate as a necessary condition for establishing true Islamic authority. Instead, an implicit acknowledgement of the legitimacy of a territorial state with borders is found in their ideas. This position is in contradiction to traditional theory, and their original stand against Pakistan that the idea of a territorial Muslim state is a negation of Islamic universalism. Enayat points out such a shift in the position of orthodox Sunni theoreticians, ever since the abolition of the caliphate in 1924 (see p. 6). On the other hand, even the secularists Zafar, Usman and Munir, uphold the notion of a Muslim nation, a basically communalist description. Further, they refer to sacred sources to legitimate their secular states. In the case of Zafar and Usman, this means incorporation of certain orthodox beliefs and practices in their sketches of the state. Thus, even typical examples of outlooks are vulnerable to admit ingredients of ideology.

The impact of contemporaneous ideas is to be found even on the self-contained ideology of Maududi, who, despite the rejection of modern democracy, provides room for elections, representation of non-Muslims and women, the idea of unoccupied areas where human beings can make laws in conformity with the *Sharia*, etc. All these 'innovations' are reflective of selective inclusion of values from competing outlooks and ideologies.

From the above analysis, it is abundantly evident that as an ideology the Islamic state can be put to use in different and even contradictory situations. As a general symbol of the Muslim freedom struggle, it can be usefully employed to mobilize mass support. The idea of Pakistan made the convergence of interests on the broadest scale possible. This ranged from the *ulama* to the Marxists who all jumped on to the Pakistan bandwagon in the mid-1940s.

However, as an ideology giving direction to the activities of a real state, it is prone to foment conflict rather than promote consensus. This is so, because, in the post independence era, different social strata exposed to multifarious intellectual, socio-economic, political and religious impulses and interests translate the concept of an Islamic state into a format which conforms to their lights and palpable interests. In any real life situation, such a fate of ideology is inevitable.

Islam and democracy

In this section, first, a summary is presented of the way the different contributors themselves look upon the compatibility between Islam and democracy; second, an attempt is made to find out if the prevailing ideas in the West about democracy can be reconciled with the assumptions and ideals of an Islamic state. Here, the prevailing ideas about democracy refer to the assumptions and ideals underlying modern democratic theory, not to the practice of the Western states which can often be found flouting these ideals.

On the question of the compatibility between Islam and democracy, the doctrinal purists and the modernists represent two distinct attitudes. We shall proceed to recapitulate the pith of the two positions.

The absolutists and Maududi understand by democracy a system of government based on popular will. In such a system, ideally, the people are sovereign. Popular will is reflected in the system of universal adult franchise, periodic free elections, a plurality of political parties competing for political influence, a representative legislature which makes laws reflecting public opinion, the right of the people to change peacefully a government that does not enjoy majority support, rule of the law, etc. Most importantly, in such a system, law is derived essentially from rational-secular sources and principles, and is subject to modification and mutation in the light of changing standards of equity, freedom and justice. The idea of the sovereignty of God does not command any original validity (see chapter 5, pp. 87–105).

The social milieu in which modern democracy functions is based on worldly self-interests. Accordingly, a number of political parties and other configurations obtain which serve as channels for the representation of diverse economic, political and religious interests. The separation of politics from religion makes morality a matter of personal discretion. Such secularization of the polity renders society indefensible against sin and evil. The result is that vices abound and proliferate. In such circumstances, God-consciousness is insignificant and people seek personal glory, power and material gain (see chapter 5, pp. 87–105).

On the other hand the Islamic state exists to quell and defeat the rebellious nature of man and to root out all pretensions of his completeness *vis-à-vis* God. Law is not left to fallible human discretion responding to changing standards of Right and Wrong. It conforms to eternal standards of Good and Bad derived from Perfect Wisdom. However, such a state is not to be understood as a theocracy of divinely-ordained priests or infallible rulers, or a despotic government of any select

individual family or race since it ordains government through consultation and the most able and pious Muslim(s) are delegated authority by fellow believers to exercise authority on their behalf. Maududi brings his conception of rightful Islamic authority close to the idea of elected government by insisting that the chief incumbents in the state services should be elected, preferably by a male Muslim electorate committed to Islamic ideology. Further, such a society is based on the rule of law. Islamic law applies to all the citizens of the state and not even the head of the state is immune from prosecution in a court of law. The religious minorities are guaranteed inalienable civil and economic rights. Their political rights are curtailed to the right to petition and they cannot participate actively in the political affairs of the Islamic polity. However, this is not a permanent disability. Non-Muslims can join the Islamic fraternity and avail themselves of equal political rights offered to the Muslim *umma*. Thus, while the principle of popular rule is to be observed in an Islamic state, it is not to be realized in imitation of Western political ideas, but within a normative scale sanctioned by Islam. Maududi describes such a balance between theocracy and democracy as theodemocracy (see p. 98).

The type of economic system and social order envisaged in a doctrinal Islamic state, however, would conform to a fundamental format prescribed for all times. In such a society the leading role of men will be maintained. Segregation of the sexes will be strictly observed. Criminals, including Muslims who apostate, will be sentenced in the light of punishments prescribed by the *Sharia*. Polygamy will be allowed. Slavery and concubinage will be possible and *jizya* could be charged from the conquered non-Muslims. In short, anything sanctioned by the *Sharia* shall be binding upon the community in an unalterable sense. Any decision, therefore, to alter these rulings would be illegal and thus null and void for true believers. Such a divinely-approved social order shall be established and preserved in the present and promoted and projected into the immediate future; the future future; until the end of time. Therefore any experience of modern industrial life, or part played by a Muslim community in the exploration of outer space, and the unravelling of the mysteries of the universe, will not be allowed to impinge upon and change the eternally constant shape of Muslim society. Further, the purpose of Islam is not fulfilled until the whole world has been made to conform to this true scheme of life. In this, the Islamic state is to employ whatever means help in spreading the word of God on earth. This includes, in favourable circumstances, even holy war.

This brief summary of the position of the doctrinal purists clearly shows that they have a definitive social order in mind which embodies the true nature of Islam. The Islamic state is the medium through which this order

is realized. Therefore, for them the Islamic way of life is irreconcilable with the democratic philosophy of life.

The modernists do not claim such a detailed model of Muslim society. Beginning with Asad, the tendency is to play-down such perfectionist pretensions. This is reflected in the way the scope of the divine law is envisaged. Instead of the omni-competence of the *Sharia* being emphasized to imply a complete system of law, precluding free human legislation, the tendency is to stress the paucity of the revealed edicts, thereby vastly increasing the free-play of human will in the light of Islamic moral principles. Such a view of Islam, that it encourages independent human exertion to find suitable solutions to concrete problems in the light of external verities, provides the modernists with such flexibility which enables them to incorporate several democratic values and practices in their ideas of the Islamic state. For them *ijtihad* is the avenue through which Islam provides believers with freedom of independent action. Further, the principle of consultation laid down in the Quran, means that Islam prescribes a democratic structure of authority. Perwez describes his Islamic state as a controlled democracy (see p. 130). The economic structure of such a state is to be based on collective ownership of the means of production. Hakim's state is to pursue the general good through *ijtihad* which creates a socialist republic (see p. 137). Javid Iqbal, who is enamoured more fully than Asad, Perwez and Hakim with liberal democracy, conceptualizes the Islamic state as an ideal secular state (see p. 141). For Zafar a true Islamic state in the modern world would be a parliamentary democracy (see p. 152). Usman believes that since Islam urges Muslims to pursue and incorporate the best values of the times, democracy being the best system available anywhere in the world was *ipso facto* commended to the Muslims as their political system (see p. 157).

However, the modernists ranging from Asad to Usman sustain the validity of a religious definition of nationhood, and the consequent need to apply Quranic laws as public law in Pakistan. The eternal applicability of Quranic laws, a fundamental conviction of the doctrinal purists, is conceded by them in one form or the other. Otherwise, the type of social milieu and economic system which they uphold bears close resemblance to modern society. Equality of the sexes, freedom of conscience and belief, etc., are recognized by them as legitimate values. Zafar and Usman align themselves with the forward movement of society, thus making reconciliation with modernity even more desirable.

According to Munir, however, the idea of an Islamic state does not represent the true spirit of Islam but the mundane interests of corrupt politicians, and those *ulama* who aspire after their own power and dominance. True Islam encourages equality, reflection, free inquiry and

tolerance. These principles can be realized only in a modern democratic system (see pp. 163–8). For him, a democratic state can only be founded on secular principles. Further, he rejects explicitly the justification of distinguishing citizens on the basis of belief.

Comparing the doctrinal and modernist clusters of attitudes we find that they are based on two distinct theoretical premises. The absolutists and Maududi reject out of hand any reconciliation between Islam and the modern democratic ideals of popular sovereignty, independent rational legislation, individual liberty, especially the privatization of religion, etc., in short, with the modern democratic philosophy of life, since it detracts from the sovereignty of God. The modernists conceptualize Islam as a rational faith which prescribes human exertion to realize the sovereignty of God in a way that, while a large amount of such exertion comprises voluntary efforts to conform to eternal principles of goodness, submission is also rendered to explicit injunctions originating in revelation. The eternal principles of goodness include democratic notions of liberty, equality, fraternity, tolerance and peaceful coexistence. All such values indicate that Islam prefers a democracy both, as a form of the state and government and as the basis for social interaction. In short, for the modernists Islam not only approves of democracy as a form of government, but also as a way of life: the Islamic way of life is in essence a democratic way of life.

Obviously the idea of democracy which the various contributors to the discussion on the Islamic state have in mind is derived from Western political and constitutional thought, and the concrete examples of modern democracy which they have in sight are the British parliamentary and the American presidential systems. Comparing the positions of the doctrinal-minded Muslims and the modernists with the prevailing ideas about modern democracy in the West we find that an Islamic state, while practising its peculiar democracy would not be democratic in the Western sense. This assertion will become clearer if we examine briefly the main characteristics of modern democracy.

A historically-evolved secular state

The modern state in the West is a product of the overall evolution of Western Civilization. Its current secular content is the result of several centuries of conflict between the Church and the secular establishment over supremacy in the state. It was resolved in favour of the secular establishment. The nation state with the king as the supreme authority emerged in many parts of western and northern Europe around the sixteenth to seventeenth centuries, as a result of the revolt against the overlordship of the Roman Catholic Church.[1] The authority of the Church

was also undermined by the appearance of Protestantism which held that salvation could be achieved by individuals through direct prayers and the intervention of the Church was not necessary.[2] Such ideas contributed towards the secularization of political authority.

In the nation state, royal absolutism replaced the authority of the ecclesiastical order. However, the maturation of the bourgeoisie in the eighteenth to nineteenth centuries posed a challenge to the feudal system which had continued under royal absolutism. The bourgeois transformation of Europe was ushered in by the Glorious Revolution of 1688 in England and the French Revolution of 1789. Ideas of liberty, fraternity and equality provided the ideals of liberal democracy which wrested political power away from the feudal aristocracy. The American War of Independence also greatly enhanced the spirit of liberty. The liberal state sought to limit the authority of the state to the maintenance of law and order, while the economic and religious spheres were left to the rationale of the free market and the choice of the individual.[3]

In the nineteenth century the growth of the industrial proletariat made demands upon the state for representation and influence. Socialist doctrines mushroomed. Consequently voting rights, limitation of working hours, improvement of working conditions, etc., and other political and social rights were won by the workers. As a result, liberal ideas of non-interference of the state where challenged by socialist doctrines.[4] The working class movement later split into a Communist trend and a peaceful democratic movement known as social democracy or the labour movement (the latter trend is held in admiration by the modernists, and Hakim (see pp. 137–8), Javid Iqbal (see p. 145), Zafar (see p. 154) and Usman (see pp. 158–9) commission their Islamic state to pursue the path of peaceful reforms as followed by social democracy).

Consequently, a confluence of liberal and socialist ideas resulted in the modern democratic state based on mass suffrage and consent. Such a state, besides safeguarding individual liberty, was also commissioned to maintain basic welfare services. In legal-constitutional terms this transformation has meant that both political authority and law are derived from rational-secular sources. Such law is based on public opinion and the changing standards of equity.

A system associated with political freedom

The essence of modern Western democracy is the protection and extension of the politial freedom of the individual *vis-à-vis* the state and society. This distinguishes it sharply from ancient Greek democracy which was based on the concept of 'Allbody', an idea that the individual exists for the state. Such democracy signified the power of the citizens as

opposed to aristocratic or elitist rule. However, the people formed one body and collectively exercised their sovereignty through direct participation in decision making.[5]

Modern democracy, on the other hand, is based on the liberal notions of individual freedom. An idea of original personal rights is recognized in law. Among these are several political human rights such as equality before the law; protection against arbitrary arrest; the right to a fair trial; freedom of thought, conscience and religion; freedom of expression; freedom of peaceful assembly and association; freedom of movement and residence, etc.[6] In a nutshell, modern democracy is the opposite of absolutism and arbitrary government. It means government through consent of the governed. It recognizes the right of the individual to deviate from standard practices, so long as it does not constitute a violation of the law.

A process of decision making

Modern democracy is government through representation. It presupposes not direct exercise of power, but delegation of power. Self-government is replaced largely through a system of control and limitation of government.[7] In order to make democracy function as a government through consent, elaborate rules and procedures exist which standardize the process of government. A system of political parties obtains to enable the representation of diverse competing interests. More than one political party is considered a prerequisite of political freedom since it enables people to choose an alternative which suits their interest and conviction.[8] Further, *ad hoc* procedures such as free periodic elections are considered necessary to ascertain that government is being conducted through democratic consent.[9]

The procedural aspect of modern Western democracy is typified in the principles of majority rule and minority rights.[10] It means that political decisions are negotiated among the parties represented in the legislature. The majority forms the government but the minority is not alienated from influencing the final outcome of a government decision. Decisions are negotiated through parliamentary standing committees and other bodies. All this follows regular and institutionalized procedures and are not arbitrary favours of the party in power.[11] In short, democracy is a principle of legitimacy of political power. However, it requires that the consent of the people should not simply be presumed but that it should be verified through institutionalized procedures.[12]

A form of civil society

A modern social milieu is an important if not a necessary condition for democracy to flourish. However, even fascism seeks a modern industrial environment. Therefore, beyond bare economic development, democracy demands an open society to prosper—a society which tolerates a great deal of unconventional ideas and social groups.[13]

Freedom from want and hunger are considered necessary for democracy to function. The idea of a welfare state has been joined to the liberal notions of freedom. Thus the modern democratic state strives to promote both equality and liberty. The equality function includes notions of free and compulsory education, in Europe even ideas of free medical services, and ideas of unemployment and housing allowances.[14] In recent times the question of female equality has emerged with great force in the Western world, requiring new legislation which grants equal rights to women alongside men. Liberty is protected through the rule of law which provides safeguards for personal integrity and privacy.[15]

Such a society aims at a high standard of education. Rational attitudes are promoted and the state encourages the pursuit of science and art. Religious freedom is recognized, but religious belief is considered a private matter and state policies have little reference to theological wisdom. This is not to deny that religion continues to influence public mores, but the state is freed from defending religious doctrines.[16] The secularization of the political process is of course reflective of the secularization of culture and social attitudes.

Also important for democracy to function and stabilize is the existence of an enlightened and committed leadership which sets high standards of good government.[17] Further, a plurality of interests and loyalties is considered necessary for maintaining political freedom. Individuals can seek participation in intermediate structures of self-government through voluntary choice. The presence of such voluntary avenues is recognized in law and their existence is considered vital to check the authoritarian tendencies of state power.[18] The open society presupposes an open class value system enabling people to achieve horizontal and vertical mobilities.[19] The most important material factor which sustains democracy is the existence of a broad middle-class.[20]

The ideals, principles, procedures and material conditions mentioned above briefly capture the assumptions and ideals on which modern democratic ideology, or to use Shils' term outlook, rests. In practice, few states proximate to these standards. However, there is little dispute that these are assumptions on which democratic theory is grounded.

Reconciliation between *Islam and democracy*

Now, returning to the relationship between Islam and democracy, it is patently manifest that in so far as the position of the doctrinal purists is concerned, it is opposed to modern democracy in a fundamental, irreconcilible sense. The doctrinal paradigm presupposes that the Medinese period in history was the pinnacle of human attainments in both spiritual and temporal domains. Accordingly, it recommends an attitude which exhorts people to return to an Islamic milieu. The absolutists do not insist upon an effort to return to the pristine past, and seem to be content with a revival of the conditions existing before the colonial intervention. For Maududi, a return to early Islam is imperative.

As is obvious, individual political or religious freedom or equality of women would not be possible in a doctrinal state. The tendency is clearly to strengthen the authority of the state, which in an ideal situation is to be headed by doctrinal experts. According to their calculations, the System of Islamic Law which puts the Islamic way of life into practice is all-inclusive and, therefore, the authority of the state is a prerequisite for its proper and complete enforcement.

On the other hand, according to the calculations of the modernists, the real Islamic laws are so few that there is no room for a closed political or social system in Islam. The Islamic state can and must be an 'Islamic democracy'. The modernists, it seems, are prepared to adopt and adapt to the mould of a modern democratic set up. However, since the whole argument about an Islamic state, even in its modernist version(s) is purported to distinguish it from secular democracy, in a logical sense, its ultimate purpose could not be the enhancement of democracy but its curtailment within Islamic limits. Therefore, howsoever the modernists argue, their Islamic state would always be vulnerable to doctrinal pressure, since any innovation which collides with the clear-worded injunctions in the Quran and *Sunna* would be difficult to accommodate in its legal system. By granting such a permanent supremacy of divine law over the political affairs of a Muslim society, the modernists expose their forward moving democracy to legal rulings impervious to the notion of a world in motion; a world demanding *ijtihad* unfettered by dogma. Such *ijtihad*, as Ahmad and Rosenthal point out, would require modern interpretation of Islamic theology and law (see pp. 10–11).

One can add, that such *ijtihad* would be forced at some stage to recognize the separation of Islamic belief about life, God, salvation, and good virtuous social conduct from coercive state directives in these areas. This seems to be the inevitable destiny of the Muslim community, now that it seeks participation in a world professing to finding ways and means of improving the quality of life for all human beings on this earth; which

means all races, religious groups, sects, non-believers and peoples. This process seems irreversible. The membership in the United Nations and the recognition of the moral framework of its Charter by a majority of Muslim states is concrete testimony of the reconciliation with the 'Spirit of the Time'. All these changes are indicative of tacit consent in the secularization of politics, social values and culture. What is wanting, is explicit popular consensus: *ijma*. In Turkey, such consensus was obtained in the wake of the Kemalist Revolution.

We find today large Muslim communities in Western Europe and North America. They can legally profess their religious beliefs and even carry out proselytizing activities. Peaceful missionary activity has been pursued by Muslims for many decades in various parts of the world, notably on the African continent. Obviously, such activities presuppose the freedom of belief and conscience. Such freedom becomes meaningful only if it is available to everyone on an equal basis, without the state imposing unequal restrictions on this right of the individual. Such freedom is especially necessary for Pakistan which comprises several Muslim sects and sub-sects, along with some non-Muslims. The secular democratic state is not a guarantee of such freedom but is certainly an indispensible pre-condition for its defence.

But for democracy to prosper, society has to achieve an all-round standard of living which is above the struggle for bare survival. As in Europe, such a struggle presupposes a liquidation of feudalism and of a social hierarchy based on caste and birth. The growth of industrialization presupposes a fairly literate populace. On the international level, peace and a world market which allows equitable participation to developing countries are necessary. This is not possible till such time that a new world economic order comes into being based on equalitarian principles. On the ideological level the emergence of a dedicated political leadership, committed to democratic ideals and social change is necessary.

In the absence of these material and ideational prerequisites the chances of doctrinal Islam catching the fancy of the people, is still very strong. The masses, disillusioned with their corrupt Westernized ruling elites and disenchanted with unkept promises to promote democracy and socialism, can always turn to the past. On the other hand, Marxism-inspired revolutionary ideas can also attract the exploited classes to the call for a social revolution which promises to end the afflictions of the centuries.

The concept of an Islamic state in Pakistani politics

We would like to proffer in conculsion some tentative thoughts about the way in which the concept of an Islamic state has in fact figured in

Pakistani politics. Here politics refers to the interaction between societal actors for gaining influence over state authority and power to affect societal structures in accordance with their convictions and interests.

As a symbol of distinctiveness vis-à-vis *India*

Since the *raison d'être* of Pakistan was that it would be a state of the Muslim nation, the effort in Pakistan since independence has been to evolve as distinct a profile from India as possible. Disputes over territories, distribution of river waters, division of the assets of British India, etc., have embittered relationships between the two countries. Also, frequent anti-Muslim riots fomented by Hindu fanatics against the 90 million Muslim minority in India have kept alive the fear of Hindu India. On top of it all, three wars with India in 1948, 1964–5 and 1971, the last one involving the loss of the eastern wing of the country, have tended to strengthen Pakistan's emphasis on its exclusive religious personality against the bigger and more powerful India.

As a principle of political legitimacy

After the death of Jinnah on 11th September 1948, the Muslim League government of Liaquat Ali Khan, an Urdu-speaking aristocrat from India, was challenged by regional politicians outside the Muslim League and powerful Punjabi, Bengali and Sindhi caucuses within his party. According to one writer, the first political polarization which took place in Pakistan was between the refugee politicians who predominated in the power structure at the Centre and the indigenous leaders who wanted to end the domination of the minority refugee community.[21] In this struggle, Liaquat Ali Khan found it useful to emphasize the common Islamic bond of Muslim nationalism and thereby negate the legitimacy of 'unpatriotic' ethnic nationalism and parochialism.

Since then, Islamic slogans have been used by successive regimes to consolidate their position in relation to the provincial forces and other critics clamouring for democratic rule and elections. Punjabi, and somewhat less powerful Pukhtun, domination over the state's repressive apparatuses was established from the very beginning. Punjabi landlords had joined the Muslim League in the 1940s and after independence formed powerful blocs of conservative landed interests with close links with the civil service and the military.[22]

Since Pakistan lacked virtually all industrial infrastructure, migrant Muslim entrepreneurs from Bombay, Calcutta, Madras and Kanpur, belonging to the minor ethnic and sectarian communities of Memons,

Ismailis and Bohras, and some Punjabi and Pukhtun business families, rapidly established their monopolistic hold over Pakistan's industrialization. This was realized through state help and Western aid. Their expansion was achieved at the cost of the less influential entrepreneurs of Bengal, Balauchistan, Sindh and the North West Frontier, who found themselves alienated from the process of industrialization.[23]

In 1955 the central government dissolved the provinces of West Pakistan to create a single consolidated Province of West Pakistan. This move had both political and economic significance. Politically this was meant to weaken the alliances which Bengali, Balauchi, Sindhi and Pushtun nationalists used to form against the Centre. Economically, major hindrances caused by a federal constitutional structure to the free exploitation of the natural resources and the markets of the provinces by the monopoly capitalists were to be removed by such change. The Prime Minister Chaudhri Muhammad Ali, himself a refugee from East Punjab, while defending the amalgamation bill in the National Assembly declared: 'I regard this country as one, our people as one nation, one people. I recognise no nationalities. The Pakistan movement proceeded on the basis of one-nation for which Pakistan was to come into existence, not a number of nationalities grouped together and it succeeded on that basis.'[24]

This was quite contrary to the type of promises Jinnah had made during the 1940s campaign for Pakistan to the provincial leaders of the Muslim majority provinces. He had argued on the basis of the 1940 'Pakistan Resolution' (see p. 77) that Pakistan would be a federation of autonomous units. Such a structure would provide the units with greater opportunity to maintain their political autonomy and develop their economic potential. The central government was now resorting to constitutional ploys and Islamic slogans to strengthen the political and economic hold of the dominant classes. This Centre-province contradiction was to plague the course of Pakistani politics all along, leading eventually to the break-up of the country in 1971, and to a major conflagration between the state and Balauch guerrillas in 1974.[25]

However, while regimes in power at the Centre have generally found it expedient to base authority on Islam, the thought group which has benefited most from such an ideological commitment is that of the doctrinal purists. They have concentrated their efforts on proving that the governments have been less Islamic than they should be. In practice this has meant that since the modernists of one variety or the other have wielded power until General Zia-ul-Haq established his authority in 1977, the insufficiency of the modernist Islamic state has been under criticism from the more conservative sections of society. The *ulama* of various brands had always resented the domination of the Westernized elite and

sought a leading role for themselves. A bid for power was made by them during the 1953 anti-Ahmadiyya riots in Punjab.

The Ahmadis who claim to be Muslims, believe that Mirza Ghulam Ahmad (1835–1908) was a prophet who received revelation from God. Such a belief clashes with orthodox Islam which is based on the assumption that after Muhammad no other prophet is to come. Mirza Ghulam Ahmad expressed several other views which also were irreconcilable with orthodox doctrines, among them being the rejection of the legitimacy of *jihad* against the British. During the colonial period, Ahmadiyya missionary activities received state protection. Conversions took place mostly in Mirza's home province of Punjab. Consequently the anti-Ahmadiyya sentiment was strongly implanted in recent Punjab history.[26]

The Ahmadis had done well as a community and many of them occupied important posts in the state services at the time of independence. Jinnah had appointed Sir Muhammad Zafrulla Khan, a leading Ahmadi, as Pakistan's foreign minister. The fundamental argument of the *ulama* was that since Pakistan was an Islamic state, only Muslims were competent to occupy places of prominence in the state. The Ahmadiyya being a community based on a belief in the prophethood of Mirza Ghulam Ahmad, an imposter according to both orthodox Sunni and Shia belief, should therefore be removed from leading positions in the state services. This demand was especially directed against Sir Zafrulla.[27]

Violent riots broke out in several districts of the Punjab. Many Ahmadis were killed and looting and arson swept the province. However, the central government acted with resolution. Martial law was imposed in the Punjab, many *ulama* were arrested, tried and sentenced by military courts. Maududi was sentenced to death, but later pardoned.[28] A Court of Inquiry established that many Muslim League politicians, that is, the party in power and which led the struggle for Pakistan, were sympathetic towards the demands of the *ulama* and some of them even participated in the riots.[29]

In 1958 the parliamentary phase in Pakistani politics was disrupted by a military coup led by General Muhammad Ayub Khan. The Westernized politicians had failed to evolve a stable political process. Floor crossing, factional rivalries, and corruption in general were rampant, leading to the quick falls of governments in both the Centre and the provinces. The military coup was therefore welcomed by the people. Through the Muslim Family Law Ordinace of 1961, the Sandhurst-trained Ayub Khan, tried to rectify outstanding social abuses of the existing Islamic laws on marriage and inheritance (see p. 35).

In 1964 elections were held in Pakistan on the basis of the 1962 Constitution given by Ayub Khan which introduced a presidential system

of government based on indirect elections. Many *ulama* opposed to the modernism of Ayub Khan, supported Miss Fatima Jinnah, the sister of the founder of Pakistan, as the presidential candidate against him. This contradicted the established doctrinal position on the role of women but Maududi legitimated such a move on the grounds that under extraordinary circumstances Islam allows such measures. As an example he referred to the Islamic position on the consumption of pig meat. Ordinarily it is strictly forbidden, but in case human life is in danger, and by eating pork it can be saved, then Islam permits it. Similarly if by supporting a woman Muslims can rid themselves of dictatorship and un-Islamic laws, such a step is not contradictory to Islam.[30] However, despite wide support from different sections of the opposition, Miss Jinnah was defeated.

In 1969 Ayub Khan was forced to leave by mass agitations throughout the country against his authoritarian rule and General Yahya Khan came to power. The consolidated single Province of West Pakistan was dissolved and the provinces of Punjab, North West Frontier Province, Sindh and Balauchistan created. Parliamentary democracy was again accepted as the future form of government for Pakistan. In December 1970 Pakistan experienced its first ever free and direct general elections based on universal adult franchise. During the election campaign the Jamaat-i-Islami and other right-wing parties popularized the idea of 'The Ideology of Pakistan' which was equated with doctrinal Islam. The idea of Islamic socialism introduced by Bhutto (a big Sindhi landlord), which declared that Islam stood for equality (*musawat*), was denounced in a *fatwa* signed by many *ulama* as anti-Islam. Maududi and his party mounted a massive press campaign against socialism. Similarly the six-point programme of Mujib-ur-Rahman which stood for greater autonomy and drastic restructuring of the economy, with a view to achieve better economic terms for East Pakistan, was also attacked by the centrist-doctrinal forces as un-Islamic. However, the election results showed a landslide victory for Mujib in East Pakistan and a big majority in West Pakistan for Bhutto. The so-called 'Islamic Pasand' (lovers of Islam) parties were routed. Also the middle parties were ignored by the people. The worst performance was given by the Jamaat-i-Islami, the most organized and vocal doctrinal party. It won only 4 seats out of a total of 300.[31]

Later, when in March 1971 military action was ordered by Yahya Khan to crush the secessionist movement in East Pakistan, it was supported by the doctrinal purists. Bhutto supported it saying that God had saved Pakistan from disintegration. However, the eastern wing of the country broke away to become Bangladesh, while Bhutto came to power with the approval of the army in the truncated Pakistan now composed only of the

western wing. The doctrinal forces led by the Jamaat-i-Islami mounted an intense hate-campaign against Bhutto and Islamic socialism. Bhutto, himself a populist demagogue, tried to win ground from the *ulama* by adopting measures which formed part of the typical doctrinal stand on politics. A ban was imposed on the consumption of alcohol, horse racing, gambling, etc. Friday replaced Sunday as the day of rest. To crown it all, the Ahmadiyya sect was declared non-Muslim by a National Assembly dominated by Bhutto's Pakistan People's Party.[32]

However, labour reforms, land reforms, etc., introduced by Bhutto created dents in the established social order. In his general conduct of government Bhutto pursued a policy of personal vindiction against his critics, whether within his own party or outside. A paramilitary force personally loyal to him was established. This antagonized the powerful civil and military establishments. These developments culminated in the Nizam-i-Mustafa Movement (movement for the restoration of the system of the pious caliphate) begun by the *ulama* and middle parties to protest against the election riggings of Bhutto's men in the March 1977 election. It demanded an end to dictatorship and socialism.[33]

On 5th July 1977 Bhutto was overthrown by a military coup led by General Muhammed Zia-ul-Haq. General Zia tried to seek legitimacy for his regime by invoking typical doctrinal values, especially the desire to establish a system based on the law of God. Punishments based on traditional Islamic law were imposed in 1979. A nominated consultative assembly was created. At the same time, efforts were made to find some popular basis for the regime. In February 1985 elections to the National Assembly were held under the 1973 constitution which had been partially retained. The elections were held on a non-party basis but several candidates supported by General Zia-ul-Haq and his political ally, the Jamaat-i-Islami, were defeated. General Zia admitted that such a verdict of the people meant a rejection of fundamentalist Islam but an approval of gradual democratic Islam. The new Prime Minister, Muhammad Khan Junejo, a Sindhi like Bhutto, declared in a speech that in 1986 Martial Law will be lifted and a democratic government based on Islamic principles will be established.[34] Since the beginning of 1986 restrictions on the press and on political activities have been relaxed, but the oppositional groups continue to demand the restoration of political parties and the holding of free general elections.

As the framework for constitution and law making

The first authoritative statement on the constitution was made by Jinnah on 11 August 1947 in which he drew the contours of a secular democratic state (see pp. 78–9). However, it was not until March 1949 that the Muslim

League government of Liaquat Ali Khan made the first concrete statement on the future constitution. On 7 March 1949 he moved an Objectives Resolution which stated:

In the name of Allah, the Beneficient, the Merciful:

WHEREAS sovereignty over the entire universe belongs to God Almighty alone and the authority which He has delegated to the State of Pakistan through its people for being exercised within the limit prescribed by Him is a sacred trust;

This Constituent Assembly representing the people of Pakistan resolves to frame a constitution for the sovereign independent State of Pakistan;

WHEREIN the State shall exercise its powers and authority through the chosen repesentatives of the people;

WHEREIN the principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, shall be fully observed;

WHEREIN the Muslims shall be enabled to order their lives in the individual and collective spheres in accord with the teachings and requirements of Islam as set out in the Holy Quran and *Sunna*;

WHEREIN adequate provision shall be made for the minorities freely to profess and practise their religion's and develop their cultures;

WHEREBY the territories now included in or in accession with Pakistan and such other territories as may hereafter by included in or accede to Pakistan shall form a Federation wherein the units will be autonomous with such boundaries and limitations on their powers and authority as may be prescribed;

WHEREIN shall be guaranteed fundamental rights including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to law and public morality;

WHEREIN adequate provision shall be made to safeguard the legitimate interests of minorities and backward and depressed classes;

WHEREIN the independence of the judiciary shall be fully secured;

WHEREIN the integrity of the territories of the Federation, its independence and all its rights including its sovereign rights on land, sea and air shall be safeguarded;

So that the people of Pakistan may prosper and attain their rightful and honoured place amongst the nations of the World and make their full contribution towards the international peace and progress and happiness of humanity.[35]

As is obvious, the resolution is couched in populist terminology which could appease a broad spectrum of public opinion. However, a definitive constitutional supremacy was accorded to God's sovereignty, with all the implications and vagaries inherent in this seminal concept. The Objectives Resolution since then has been, with minor changes, the preamble of the 1956, 1962 and 1973 constitutions.

Work on the first constitution dragged on for several years. A parliamentary Basic Principles Committee was established which presented several reports on the constitution to the Constituent Assembly. In the

Committee's and the Assembly's deliberations on the constitution two problems dominated: the federal structure and the Islamic character of Pakistan. In 1951 the various brands of *ulama* met in Karachi where a document delineating the basic principles of the constitution of an Islamic state formulated largely by Maududi was unanimously adopted. Its crux lay in the fact that it required that only Islamic ideology should be the basis of state activity, other ideologies were to be prohibited.[36] The greatest success of the doctrinal elements was achieved in the 1952 Basic Principles Committee Report which recommended the creation of a board of experts which was to ascertain if a law made by the legislature was in consonance with Islam or not. Its recommendations were to carry considerable weight. Provisions were made to make the approval of the Muslim members of the assembly, decisive for such law-making.[37] But after the 1953 anti-Ahmadiyya agitation which was repressed by the central government the influence of the doctrinal forces declined.

The first constitution adopted in 1956 was modelled essentially on the Government of India Act of 1935. In most matters the constitution adhered to Western constitutional theory. The cabinet type of parliamentary democracy was to be followed. A bill of fundamental rights was included which granted almost all civil and political liberties recognized in Western democracy. Citizenship was not to be based on religious conviction but on the usual present-day criterion of territorial residence. Further, periodic elections were to be held on the basis of universal adult franchise. However, certain Islamic clauses were included in the constitution. Pakistan was named as the Islamic Republic of Pakistan. The president was to be a Muslim. No laws repugnant to Islam were to be framed and all existing laws were to be brought in conformity with the Quran and *Sunna* (as understood by different sects). Further, a commission was to be set up to recommend Islamization of law.[38]

Although the constitution did not correspond to the ideals of the *ulama* it was not rejected since the clauses about the Islamization of law were interpreted as a fundamental commitment to the supremacy of the *Sharia*.[39]

In 1958 Ayub Khan came to power and in 1962 he gave a new constitution. Pakistan was to have a presidential system of government since it corresponded to the Islamic tradition of a strong executive. The president, who was required to be a Muslim was to be elected indirectly by an electoral college elected by the people. The constitution initially declared Pakistan a republic and the term 'Islamic' was dropped. However, there were protests against this change and the first constitutional amendment in 1963 renamed Pakistan an Islamic republic. Further, the clause about all laws being brought in conformity with Islam and no new law being made that was contrary to Islam was retained. An

Islamic Advisory Council, and a research institute were to be established to advise on the Islamization of law. On the other hand, fundamental rights, territorial citizenship, etc., were retained in the modern Western style.[40]

In 1972 Pakistan again came under civilian rule. This time led by the popularly-elected Islamic socialist Zulfikar Ali Bhutto. The National Assembly, elected on the basis of universal adult franchise adopted a new constitution in 1973. Pakistan again became a parliamentary democracy. However, not only the president but even the prime minister were required to be Muslims and more importantly, were to swear allegiance to the doctrine that they believed in the finality of Muhammad's prophethood.[41]

In 1977 the constitutionally-elected government of Bhutto was toppled. The 1973 constitution, however, was not discarded altogether, but retained in a largely suspended form. In 1979 the military government announced the imposition of Islamic punishments based on Quranic injunctions. This meant a revival of the harsh criminal code sanctioned in *Fiqh*. However, the crime of apostasy was missing in the new laws. In 1983–4 further legal restrictions were imposed on the Ahmadis who were forbidden to use Islamic nomenclature for their worship, places of worship, etc. In 1984 the new Law of Evidence was adopted which reduced the worth of a female witness to half that of a male witness. In July 1985 dicussion began in the National Assembly on a government-supported private members' Shariah Bill which aims at further Islamization of law and constitution. The discussion has continued into the second half of 1986.

As a symbol of Muslim solidarity

Among the goals named in all the three constitutions, achieving international Muslim solidarity is a major aim of Pakistan. Initially, Pakistan allied itself to pro-Western Muslim states, entering defence pacts such as CENTO (1956). In the 1960s a Third World-oriented change occurred in Pakistani foreign policy largely due to the efforts of Ayub Khan's foreign minister Zulfikar Ali Bhutto. Pakistan sought better relations with Nasir in Egypt, the most popular radical Arab leader. In 1971 when Bhutto himself came to power Pakistan established close relations with Qaddafi and the PLO was given diplomatic status. On the other hand, even conservative Saudi interests were courted. In particular, Bhutto succeeded in persuading oil-rich Arab states to recruit workers from Pakistan in large numbers. In 1974 an Islamic Summit Conference was held in Lahore where Bhutto declared that his government was committed to the ideals of the government under the Holy Prophet.[42] Consequently economic aid from Saudi Arabia and other rich Arab states in the gulf increased.

Since 1977 when General Zia-ul-Haq came to power, conservative Saudi influence has grown considerably in Pakistan. The Jamaat-i-Islami of Maududi, which is a known ally of the Saudis, became the ideological mentor of the new regime.[43] Also the Iranian Revolution and the Communist coup in Afghanistan, followed by the Soviet intervention there in 1979 have, in quite different ways, contributed to a closer working alliance between the government and the doctrinal forces. The Islamization process which was begun under Zia-ul-Haq, clearly indicates an effort to adopt doctrinal values and practices popularized in Pakistan by Maududi.

As a framework for the economic system

Until Ayub Khan came to power, the conservative land-owning classes obstructed all proposals about land reforms. In 1960 Ayub Khan announced land reforms which put a ceiling on land-holding at 500 acres. This was very high ceiling on individual holding. It seems that the land reforms aimed at the development of capitalist farming as against the less productive traditional methods based on feudal practices.[44]

In 1972 Bhutto announced land reforms which fixed a ceiling on 150 acres. Later in 1977 this was cut down to 100 acres. These reforms brought some relief to the peasants, but mainly accelerated capitalist farming among the small and middle-size landowners.[45] In the industrial sector some important labour reforms were introduced. These gave better protection to the working class. Minimum-wage was fixed, compensation for loss of life or disability incurred during work was increased, and sickness allowance was granted. On the other hand, several major industries were nationalized. The process of nationalization seemed to lack careful planning and hurt small entrepreneurs also. The tendency seemed to be towards some form of state capitalism.[46]

The military coup of 5 July, 1977 led by General Zia-ul-Haq, stopped this process. So far, the Islamization of the economy has not meant a qualitative shift in the economic system. Although interest on savings is no longer permitted, the account holders get a monthly 'profit' comparable to the previous interest rates. Technically they are investors in the banks' enterprises. *Zakat* is charged from the Sunni Muslims and *Ushr* has been imposed on cultivated land. The Shias are exempted from paying *zakat* since General Zia's government is considered a Sunni government (and thus unacceptable from the Shia doctrinal point of view) by them.

Therefore, it seems that no major strategic hindrance is posed by a doctrinal Islamic state to the existing property structure based on pyramids of few but substantial holders of landed, commercial, financial

and industrial wealths at the top and millions of petty proprietors and property-less peasant and industrial workers at the base. On the other hand, modernist Muslims are willing to employ the authority of the state for restructuring of the economy on new lines. In this, so far, the Islamic socialist trend has gone the farthest in the direction of egalitarian change.

Islam and democracy in Pakistani politics: an appraisal

We find that two elements are intrinsic to the ideological controversy in Pakistan: Islam and democracy. As on the level of pure thought, so in real politics, these manifest themselves in vastly different forms and shapes, at times as mutually exclusives, but most often in combinations and permutations.

Modernization in Pakistan has not come through a mere import of technology and work force, as is the present situation in varous Arab states, but as part of the total colonial experience which wrought indelible intellectual and material change. While it brought along the paraphernalia of the bourgeois state and even created an indigenous bourgeois upper class stratum, colonialism did not, or perhaps it was in the logic of colonial exploitation, would not, affect bourgeois transformation of society. However, democracy as a political value, procedure of decision-making and as a social norm, acquired through the British contact has taken deep root in the subcontinent. This applies to Pakistan where, notwithstanding long periods of suppression, it has shown remarkable resilience and continues to form a legitimate framework for political discourse.

At least since 1857 Muslims have been living in a milieu in which Islam, as a form of worship and social consciousness has existed without the state sitting in judgement on it. In other words, in an essentially secular political framework. The *ulama* hope to undo this historical evolution, bringing religious faith under state vigilance, while the modernists seek an equilibrium between faith and politics.

As for the political uses to which the concept of an Islamic state has been put, we find that it has been invoked in a variety of ways: by the Government of Pakistan to mobilize Pakistani opinion against real or felt threats from India, by powerful centrist interests to deny the claims of the weaker members of the federation, by majority sects to victimize minor sects, by unpopular governments to evade elections and mandate from the people, by conservative interests to oppose modernist innovations, by the privileged classes to combat socialist ideas, and by modernizers who interpret Islam in a free innovative fashion.

On the other hand, we find ideology being compromised by pragmatic considerations. Maududi finds arguments for supporting a woman as a

candidate for the highest political office in the state, and similarly, the Islamic socialist Bhutto declares a minor sect non-Muslim. The regimes in power have found it expedient to include both Islamic political notions and democratic values in their pragmatic compromises over constitution and ideology. Even the fundamentalist Zia-ul-Haq has fallen in line with this trend.

As society moves further in the direction of urbanization and industrialization the inadequacy of doctrinal Islam and of a state bound by dogma as a basis for societal interaction will become increasingly manifest. That this would require Muslim intellectuals, thinkers and ideologues to address themselves afresh to the relationship between Islam and the state is obvious.

Notes

1. George H. Sabine, *A History of Political Theory* (New York: Henry Holt and Company, 1950), pp. 331–6.
2. Ibid., pp. 355–62.
3. C. B. Macpherson, *Den mångtydiga demokratin* (Stockholm: Bokförlaget Aldhus/Bonniers, 1968), pp. 18–23, 55–69.
4. E. J. Hobsbawm, *The Age of Revolution* (New York: A Mentor Book, 1962), pp. 349–62.
5. *International Encyclopedia Volume 4*, see 'Democracy' by Giovanni Sartori, p. 115.
6. *Convention for the Protection of Human Rights and Fundamental Freedoms*, adopted by members of the Council of Europe on 4th November, 1950, includes these political human rights. See also, Pär-Erik Back and Agne Gustafsson, *Modern Demokrati* (Lund: LiberLäromedel, 1978), pp. 38–9.
7. *International Encyclopedia Volume 4*, see 'Democracy' by Giovanni Sartori, p. 115.
8. Ibid., p. 112.
9. Ibid.
10. Pär-Erik Back and Agne Gustafsson, op. cit., pp. 44–7.
11. *International Encyclopedia Volume 4*, see 'Democracy' by Giovanni Sartori, p. 112.
12. Ibid.
13. Ibid., p. 119.
14. *International Encyclopedia Volume 16*, see 'Welfare State' by Harry K. Girvetz, p. 515.
15. *International Encyclopedia Volume 9*, see 'Liberalism' by David G. Smith, p. 278.
16. Ibid., pp. 276–7.
17. *International Encyclopedia Volume 4*, see 'Democracy' by Giovanni Sartori, p. 119.
18. Ibid.
19. Ibid.
20. Ibid.

21. Shahid Javid Burki, *Pakistan Under Bhutto, 1971–77* (London: The Macmillan Press Ltd., 1980), pp. 11–35.
22. Khalid bin Sayeed, *Politics in Pakistan* (New York: Praeger, 1980), pp. 32–51.
23. Ibid.
24. Salahuddin Khan (ed.), *Speeches and Statements of Chaudhri Muhammad Ali* (Lahore: Research Society of Pakistan, 1975), p. 256.
25. Selig S. Harrison, *In Afghanistan's Shadow: Baluch Nationalism and Soviet Temptations* (New York: Carnegie Endowment for International Peace, 1981), pp. 33–40.
26. *Munir Report*, pp. 9–10, 187–200.
27. Ibid., pp. 200–1, 212–4.
28. Muhammad Munir, *From Jinnah to Zia* (Lahore: Vanguard Books Ltd., 1979), p. 43.
29. *Munir Report*, pp. 261–86.
30. Kalim Bahadur, *The Jamaat-i-Islami of Pakistan* (Lahore: Progressive Books, 1978), pp. 105–12.
31. Ibid., pp. 125–6.
32. Satish Kumar, *The New Pakistan* (New Delhi: Vikas Publishing House, 1978), pp. 91–3.
33. Khalid bin Sayeed, op. cit., pp. 158–60.
34. *Viewpoint (weekly) 15 August 1985* (Lahore: 4 Lawrence Road).
35. *The Constituent Assembly of Pakistan Debates Volume 5, 1949* (Government Printing Press), pp. 1–2.
36. Abul Ala Maududi, *The Islamic Law and Constitution* (Lahore: Islamic Publications Ltd., 1980), see Appendix 1, pp. 331–6.
37. Safdar Mahmood, *The Constitutional Foundations of Pakistan* (Lahore: Publishers United Ltd., 1975), see the second 'Report of the Basic Principles Committee'.
38. Ibid., see the 1956 'Constitution of the Islamic Republic of Pakistan'.
39. Kalmim Bahadur, op. cit., pp. 82–4.
40. Safdar Mahmood, op. cit., see the 1962 'Constitution of the Republic of Pakistan'.
41. Ibid., see the 1973 'Constitution of the Islamic Republic of Pakistan'.
42. G. H. Jansen, *Militant Islam* (London: Pan Books, 1979), pp. 17–18.
43. Tariq Ali, *Can Pakistan Survive?* (Penguin Books, 1983), p. 139.
44. Khalid bin Sayeed, op. cit., pp. 56–7.
45. Ibid., pp. 91–3.
46. Ibid., pp. 95–100.

Bibliography

Primary sources

Asad, Muhammad, *The Principles of State and Government in Islam*, California: University of California, 1961.

Hakim, Khalifa Abdul, *Islamic Ideology*, Lahore: The Institute of Islamic Culture, 1974.

Iqbal, Javid, *Ideology of Pakistan*, Lahore: Ferozsons Ltd., 1971.

Maududi, Abul Ala S., *Al-Jihad Fi al-Islam*, Lahore: Idara Tarjuman-ul-Quran, 1981.

— *Capitalism, Socialism and Islam*, Kuwait: Islamic Book Publishers, 1977.

— *Human Rights in Islam*, Leicester: The Islamic Foundation, 1980.

— *The Islamic Law and Constitution*, Lahore: Islamic Publications Ltd., 1980.

— *Islamic Rayasat*, Lahore: Islamic Publications Ltd., 1979.

— *Khilafat-o-Malukiat*, Lahore: Idara Tarjuman-ul-Quran, 1979.

— *Muashiat-i-Islam*, Lahore: Pan Islamic Publishers, 1981.

— *Murtad Ki Saza*, Lahore: Islamic Publications Ltd., 1981.

— *Purdah*, Lahore: Islamic Publications Ltd., 1981.

— *Rasail-o-Masail Volumes 1 and 3*, Lahore: Islamic Publications Ltd. 1983.

— *Rasail-o-Masail Volumes 2 and 4*, Lahore: Islamic Publications Ltd., 1982.

— *Rasail-o-Masail Volume 5*, Lahore: Idara Muarif Islami, 1983.

— *Tehrik-i-Azadi-i-Hind Aur Musalman Volumes 1 and 2*, Lahore: Islamic Publications Ltd., 1981.

— Reply to the Questionnaire issued by the government-appointed Commission on Marriage and Family Laws, in Kurshid Ahmad (ed.), *Studies in the Family Law of Islam*, Karachi: Chiragh-e-Rah Publications, 1961.

— *Towards Understanding Islam*, Dacca: Islamic Publications Ltd., 1965.

Munir, Muhammad, *From Jinnah to Zia*, Lahore: Vanguard Books, 1979.

Perwez, Ghulam Ahmad, *Islam: A Challenge to Religion*, Lahore: Idara Tulu-e-Islam, 1968.

— Interview in the *Jang daily, Friday Magazine of* 8–14 January, 1982, Karachi.

— several pamphlets in Urdu, all published by the Idara Tulu-e-Islam, Lahore; those included in this study are:

— *Bal Say Bareek Talwar Say Taiz*; *Kaya Quaid-i-Azam Secular State Banana Chatey They?*; *Na Jamhoori Na Islami*; *Quaid-i-Azam Aur Do Quomi Nazaria*; *Qurani Aein Kay Bunyadi Khat-o-Khal*; *Siraf Aik Sawal*; *Tehrik-i-Pakistan Kay Mukhalif Ulama*; *Ulama Kon Hein?*

Report of the Court of Inquiry constituted under Punjab Act II of 1954 to enquire into the Punjab Disturbances of 1953 (*Munir Report*), Lahore: Government Printing Press, 1954.

Usman, Professor Muhammad, *Islam Pakistan Mein*, Lahore: Maktab-i-Jadid, 1969.

Writ Petition No. 42 of 1976 filed in the Lahore High Court, Lahore: High Court.

Zafar, S. M., *Awam, Parliament, Islam*, Lahore: Aeina-i-Adab, 1980.

Select bibliography

Abbot, Freeland, *Islam and Pakistan*, New York: Cornell University, 1968.

Ahmad, Aziz, *Islamic Modernism in India and Pakistan 1857–1964*, London: Oxford University Press, 1967.

Ahmad, Aziz and Grunebaum, G. E. Von (eds.), *Muslim Self-Statement in India and Pakistan 1857–1968*, Wiesbaden, 1970.

Ahmad, Jamiluddin (ed.), *Speeches and Writings of Mr. Jinnah Volumes 1 and 2*, Lahore: Sh. Muhammad Ashraf, 1976.

Ahmad, Khurshid (ed.), *Studies in the Family Law of Islam*, Karachi: Chiragh-e-Rah Publications, 1961.

Ahmad, Sayed Riaz, *Maulana Maududi and the Islamic State*, Lahore: People's Publishing House, 1976.

Ahmed, Manzooruddin, *Pakistan: The Emerging Islamic State*, Karachi: The Allies Book Corporation, 1966.

Ali, Abdullah Yusuf, *The Holy Quran*, Lahore: Sh. Muhammad Ashraf, 1982.

Ali, Syed Ameer, *The Spirit of Islam*, Karachi: Pakistan Publishing House, 1978.

Allana, G. (ed.), *Pakistan Movement: Historic Documents*, Lahore: Islamic Book Service, 1977.

Althusser, Louis, *Lenin and Philosophy*, New York: Monthly Review Press, 1971.

Anderson, J. N. D., *Islamic Law in the Modern World*, London: Stevens & Sons Ltd., 1959.

Anderson, Norman, *Law Reform in the Muslim World*, London: University of London, 1976.

Apter, David, *The Politics of Modernization*, Chicago: University of Chicago Press, 1967.

Bahadur, Kalim, *The Jamaat-i-Islami of Pakistan*, Lahore: Progressive Books, 1978.

Binder, Leonard, *Religion and Politics in Pakistan*, California: University of California Press, 1961.

Brohi, A. K., *Islam in the Modern World*, Lahore: Islamic Book Foundation, 1981.

Burki, Shahid Javid, *Pakistan under Bhutto*, London: The Macmillan Press Ltd., 1980.

The Constituent Assembly of Pakistan debates 1949–1956, Government Printing Press.

Cox, Richard (ed.), *Ideology, Politics and Political Theory*, Belmont, 1969.

Dictionary of Islam compiled by T. P. Hughes, Lahore: Premier Book House.

Enayat, Hamid, *Modern Islamic Political Thought*, London: The Macmillan Press, 1982.

Faruki, Kemal A., *The Evolution of Islamic Constitutional Theory and Practice*, Karachi: National Publishing House, 1971.

Faruqi, Ziya-ul-Hasan, *The Deoband School and the Demand for Pakistan*, Lahore: Progressive Books, 1980.

The Fontana Dictionary of Modern Thought, London: Fontana/Collins, 1977.

Gankovsky, Y. V. and Gordon-Polonskaya, L. R., *A History of Pakistan 1947–1958*, Lahore: People's Publishing House.

Gramsci, Antonio, *Selections From the Prison Notebooks*, London: Lawrence and Wishart, 1976.

Guillaume, A., *The Life of Muhammad (translation of Ibn Ishaq 'Sirat Rasul Allah')*, Karachi: Oxford University Press, 1978.

Hamidullah, Muhammad, *The First Written Constitution of the World*, Lahore: Sh. Muhammad Ashraf, 1981.

— *The Muslim Conduct of State*, Lahore: Sh. Muhammad Ashraf, 1953.
Hardy, P., *The Muslims of British India*, Cambridge: Cambridge University Press, 1972.
Hedaya (a compilation of Hanafi laws applicable during Abbasid and later Muslim rule, translated into English by Charles Hamilton), Lahore Premier Book House, 1975.
Hitti, Charles K., *History of the Arabs*, London: The Macmillan Press, 1970.
Hjärpe, Jan, *Politisk islam*, Stockholm: Skeab Förlag, 1983.
Hollister, J. N., *The Shia of India*, London: Luzac & Company Ltd., 1953.
International Encyclopedia of the Social Sciences (also referred to as *International Encyclopedia*), The Macmillan and Free Press, 1968.
Iqbal, Sir Muhammad, *The Reconstruction of Religious Thought in Islam*, Lahore: Sh. Muhammad Ashraf, 1960.
Jansen, G. H., *Militant Islam*, London: Pan Books, 1979.
Jansson, Erland, *India, Pakistan or Pakhtunistan?*, Uppsala: Acta Universitatis Upsaliensis, 1981.
Juynboll, G. H. A., *The Authenticity of the Tradition Literature*, Leiden: E. J. Brill, 1969.
Kerr, Malcolm H., *Islamic Reform: The Political and Legal Theories of Muhammad Abduh and Rashid Rida*, California: University of California Press, 1966.
Khadduri, Majid, *Political Trends in the Arab World: The Role of Ideas and Ideals in Politics*, Baltimore and London: The Johns Hopkins Press, 1970.
Kitab-ul-Kharaj of Hadrat Qadi Abu Yusuf; translated by Dr. Abid Ahmad Ali; Lahore: Islamic Book Centre, 1979.
Larson, Arthur and Jenks, Wilfred C., *Sovereignty Within the Law*, New York: Oceana Publications, Inc., 1965.
Levy, Rueben, *The Social Structure of Islam*, Cambridge: Cambridge University Press, 1965.
Mahmood, Safdar, *Constitutional Foundations of Pakistan*, Lahore: Progressive Books, 1978. In this compilation all the important constitutional documents on Pakistan, until 1975, are given in the original texts.
Malik, Hafeez (ed.), *Iqbal Poet-Philosopher of Pakistan*, New York: Columbia University Press, 1971.
Mannheim, Karl, *Ideology and Utopia*, London: Routledge and Kegan Paul Ltd., 1968.
Marx and Engels, *Collected Works Volume 5*, Moscow: Progress Publishers, 1976.
Mortimer, Edward, *Faith and Power*, London: Faber and Faber, 1982.
Mujeeb, M., *The Indian Muslims*, London: George Allen and Unwin Ltd., 1967.
Myrdal, Gunnar, *Asian Drama: An Inquiry into the Poverty of Nations Volumes 1, 2 and 3*, New York: Pantheon, 1968.
Pirzada, Syed Sharifuddin (ed.), *Foundations of Pakistan: All-India Muslim League.Documents, 1906–1947, Volumes 1 and 2*, Karachi: National Publishing House Ltd., 1970.
Qadri, Anwar Ahmad, *Islamic Jurisprudence in the Modern World*, Lahore: Sh. Muhammad Ashraf, 1981.
Quran *see* Ali, Abdullah Yusuf, *The Holy Quran*.
Qureshi, Ishtiaq Husain, *The Struggle For Pakistan*, Karachi: University of Karachi, 1969.
— *Ulema in Politics*, Karachi: Mareef Ltd., 1974.
Rahman, Fazlur, *Islam*, Chicago: University of Chicago Press, 1979.

Robinson, Francis, *Separatism Among Indian Muslims*, Cambridge: Cambridge University Press, 1974.
Rodinson, Maxime, *Islam and Capitalism*, Harmondsworth: Penguin Books, 1974.
— *Mohammed*, Harmondsworth Penguin Books, 1973.
— *Marxism and the Muslim World*, London: Zed Press, 1979.
Rosental, Erwin, I. J., *Political Thought in Medieval Islam*, Cambridge: Cambridge University Press, 1958.
— *Islam in the Modern National State*, Cambridge: Cambridge University Press, 1965.
Sayeed, Khalid bin, *Politics in Pakistan*, New York: Praeger, 1980.
— *Pakistan: The Formative Phase 1857–1948*, Karachi: Oxford University Press, 1978.
Sigmund, Paul A. (ed.), *The Ideologies of the Developing Nations*, New York: Praeger Publishers, 1973.
Smith, Donald Eugene, *Religion, Politics, and Social Change in the Third World*, New York: The Free Press, 1971.
Smith, Donald Euguene (ed.), *South Asian Politics and Religion*, Princeton: Princeton University Press, 1966.
Smith, Wilfred Cantwell, *Modern Islam in India*, Lahore: Sh. Muhammad Ashraf, 1963.
— *Pakistan as an Islamic State*, Lahore: Sh. Muhammad Ashraf, 1951.
Syed, Anwar, *Pakistan: Islam, Politics and National Solidarity*, Lahore: Vanguard Books, 1984.



Index

The Concept of an Islamic State in Pakistan

Since its creation in 1947, the basis of Pakistan polity has caused endless controversy regarding its ideological foundations. The discussion has been articulated in terms of a state based on the sovereignty of God versus a state based on sovereignty of the people. Ishtiaq Ahmed here sets out nine positions or 'theories'. The concept of ideology is utilized to analyse the discussion and a three-step method of qualitative content analysis is devised to conduct the investigation. These modes of reasoning are compared systematically with one another, with particular attention given to the concept of an Islamic State as a political ideology and its compatibility with modern Western democracy.

Ishtiaq Ahmed, Ph.D., was born in Pakistan and studied there at the University of Punjab, Lahore. From 1978 to 1982 he was given a grant by the Department of Political Science, Stockholm University to carry out research for his doctoral thesis, much of which forms the background to this book. He is currently teaching Development Theory at Stockholm University and is also working on a research project on Khalistan

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